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5 Attorneys for Defendant
OneWest Bank, FSB, erroneously sued herein as
6 OneWest Bank Group, LLC, dba Indymac
Mortgage Services
7

8 UNITED STATES DISTRICT COURT
9 FOR THE DISTRICT OF NEVADA - SOUTHERN DIVISION

10 PETER A. PRICE,) CASE NO:
11)
Plaintiff,)
12)
v.) PETITION FOR REMOVAL
13)
ONEWEST BANK GROUP, LLC, dba)
14 INDYMAC MORTGAGE SERVICES, a)
foreign limited liability company; BARRETT)
15 DAFFIN FRAPPIER TREDER & WEISS,)
LLP, a foreign limited liability partnership;)
16 DOE Individuals I through X; and ROE)
Corporations, XI through XX,)
17)
Defendants.)
18

19 TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA-
20 SOUTHERN DIVISION:

21 Pursuant to 28 U.S.C. §§ 1441 AND 1446, Defendant OneWest Bank, F.S.B.,
22 erroneously sued herein as OneWest Bank Group, LLC, dba Indymac Mortgage Services,
23 ("OneWest"), by and through its counsel of record, Elliot S. Blut, Ecoff Blut, LLP, removes this
24 action to the United States District Court, District of Nevada- Las Vegas, and in support thereof,
25 states as follows:

- 26 1. The ground for this removal is diversity of citizenship pursuant to 28 U.S.C.
27 §1132.
28 2. Complete diversity exists as follows:

1 a. OneWest is and was at the time this action was commenced a federal
2 savings bank formed in the State of Delaware with its principal place of
3 business in the State of California.

4 b. Barrett Daffin Frappier Treder & Weiss, LLP is a foreign limited liability
5 partnership, upon information and belief, formed under the laws of the
6 State of Texas.

7 3. This removal is timely. Service of the summons and complaint upon OneWest
8 was made on or about November 5, 2012. The Removal, being filed within 30 days is timely
9 pursuant to 28 U.S.C. § 1446(b).

10 4. One year has not elapsed from the date the action in state court commenced.

11 5. Venue is proper in the Southern Division of the district pursuant to 28 U.S.C.
12 §1441(a) because this district embraces the place where the state court action is pending.

13 6. Pursuant to 28 U.S.C. § 1446(a), OneWest has attached all process, pleadings and
14 orders served on them, which are described below:

15 a. Summons

16 b. Complaint

17 c. Application for Temporary restraining Order and Motion for Preliminary
18 Injunction on Order Shortening Time.

19 d. Temporary Restraining Order.

20 e. Notice of Posting Bond.

21 7. As no other co-defendant has answered or otherwise made an appearance in the
22 State Court, counsel has been unable to determine the remaining defendants' position regarding
23 joinder of this Petition for Removal.

24 8. Pursuant to 28 U.S.C. § 1441(c) a true and correct copy of the original Petition for
25 Removal has been filed concurrently with the Eighth Judicial District Court of the State of
26 Nevada in and for the County of Clark and served upon counsel for the Plaintiff.

27 9. OneWest reserves the right to supplement this Petition for Removal when
28 additional information becomes available. OneWest further reserves all rights including, but not

1 limited to, defenses and objections as to venue, personal jurisdiction and service. The filing of
2 this Petition for Removal is subject to and without waiver of any such defense or objection.

3 DATED this 26th day of November, 2012 ECOFF BLUT, LLP

4
5 By: /s/ Elliot S. Blut

6 Elliot S. Blut, Esq.

7 NEVADA BAR No. 6570

8 300 South Fourth Street, Suite 701

9 Las Vegas, Nevada 89101

10 Attorneys of OneWest Bank, FSB, erroneously sued
11 herein as OneWest Bank Group, LLC, dba Indymac
12 Mortgage Services
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Exhibit "A"

SUMM

District Court
CLARK COUNTY, NEVADA

PETER A. PRICE,

Plaintiff,

-vs-

ONEWEST BANK GROUP, LLC, dba
INDYMAC MORTGAGE SERVICES, a
foreign limited liability company; BARRETT
DAFFIN FRAPPIER TREDER & WEISS,
LLP, a foreign limited liability partnership;

Defendant.

Case No. A-12-671218-C

Dept. No. XXVI

SUMMONS

NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO THE DEFENDANT: A civil Complaint has been filed by the plaintiff against you for the relief set forth in the Complaint.

ONEWEST BANK GROUP, LLC dba INDYMAC MORTGAGE SERVICES

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you exclusive of the day of service, you must do the following:

a. File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court.

b. Serve a copy of your response upon the attorney whose name and address is shown below.

2. Unless you respond, your default will be entered upon application of the plaintiff and this Court may enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.

3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

Issued at direction of:



Attorney for Plaintiff
Alexander Villamar, Esq.
JOLLEY URGAS WIRTH WOODBURY & STANDISH
3800 Howard Hughes Parkway, 16th Floor
Las Vegas, NV 89169
702/699-7500

Date Served: 11/7/12
Time Served: 4:13
DW

STEVEN D. GRIERSON, CLERK OF COURT

PAMELA PULLAN

By: DEPUTY CLERK

Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada 89155


DISTRICT
COURT
SEAL

NOV 05 2012

Date

STATE OF _____,
COUNTY OF _____,

ss.

AFFIDAVIT OF SERVICE

_____, being duly sworn says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, not a party to or interested in the proceeding in which this affidavit is made. That affiant received _____ copy(ies) of the Summons and Complaint, _____

on the _____ day of _____, _____ and served the same on the _____ day of _____, _____ by:

(affiant must complete the appropriate paragraph)

1. delivering and leaving a copy with the defendant _____ at (state address) _____
2. serving the defendant _____ by personally delivering and leaving a copy with _____, a person of suitable age and discretion residing at the defendant's usual place of abode located at: (state address) _____

(Use paragraph 3 for service upon agent, completing A or B)

3. serving the defendant _____ by personally delivering and leaving a copy at (state address) _____
 - a. with _____ as _____, an agent lawfully designated by statute to accept service of process;
 - b. with _____, pursuant to NRS 14.020 as a person of suitable age and discretion at the above address, which address is the address of the resident agent as shown on the current certificate of designation filed with the Secretary of State.
4. personally depositing a copy in a mail box of the United States Post Office, enclosed in a sealed envelope postage prepaid (check appropriate method):

_____ ordinary mail
_____ certified mail, return receipt requested
_____ registered mail, return receipt requested

addressed to the defendant _____ at the defendant's last known address which is (state address) _____

SUBSCRIBED AND SWORN to before me this

_____ day of _____,

Signature of person making service

NOTARY PUBLIC in and for said County and State

My commission expires: _____
(SEAL)

Exhibit "B"

Electronically Filed
11/01/2012 11:50:31 AM

Alexander D. Villamar

CLERK OF THE COURT

COMP

L. Christopher Rose, Esq.

Nevada Bar No. 7500

Alexander Villamar, Esq.

Nevada Bar No. 9927

JOLLEY URG A WIRTH WOODBURY & STANDISH

3800 Howard Hughes Pkwy., #1600

Las Vegas, Nevada 89169

Telephone: (702) 699-7500

Facsimile: (702) 699-7555

Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

PETER A. PRICE,

Plaintiff,

vs.

ONEWEST BANK GROUP, LLC, dba
INDYMAC MORTGAGE SERVICES, a
foreign limited liability company;
BARRETT DAFFIN FRAPPIER TREDER
& WEISS, LLP, a foreign limited liability
partnership; DOE Individuals I through X;
and ROE Corporations XI through XX;

Defendants.

Case No.
Dept. No.

A-12-671218-C

XXVI

COMPLAINT

*Exempt from Arbitration:
Matter involves a claim for
declaratory and injunctive relief*

Plaintiff Peter A. Price, as and for his Complaint against Defendant OneWest Bank Group LLC dba IndyMac Mortgage Services, alleges and claims as follows:

THE PARTIES

1. Plaintiff Peter A. Price ("Plaintiff") is an individual residing in Clark County, Nevada.

2. Plaintiff is informed and believes that Defendant OneWest Bank Group LLC dba IndyMac Mortgage Services ("IndyMac") is, and at all times relevant herein was, a foreign limited liability company doing business in the County of Clark, State of Nevada.

3. Plaintiff is informed and believes that Defendant Barrett Daffin Frappier Treder & Weiss, LLP, is, and at all times relevant herein was, a foreign limited liability partnership acting as Trustee in the Trustee's Sale scheduled for November 6, 2012, in Clark County, Nevada.

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GENERAL ALLEGATIONS

14. Additional supporting documents were provided to IndyMac on or about March 28, 2012, pursuant to its request, including bank statements, a tax return, W2's for 2010 and 2011, pay

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1 stubs, an employment verification letter, among other things.

2 15. At IndyMac's request, an updated RMA was submitted to IndyMac on March 30,
3 2012, along with a second copy of Plaintiff's supporting documents.

4 16. Pursuant to IndyMac's request, on or about April 19, 2012, Plaintiff provided
5 evidence of his signed 2010 tax return, and informed IndyMac that he was the only contributor to
6 the mortgage.

7 17. On or about May 1, 2012, IndyMac requested that Plaintiff provide a contributor
8 letter and a profit and loss statement. That same day, Plaintiff submitted a contributor letter to
9 IndyMac, and informed IndyMac that there was no profit and loss statement.

10 18. Despite Plaintiff's prompt responses to IndyMac's document requests, and
11 IndyMac's continuous representations that it was proceeding with a loan modification, on or about
12 May 4, 2012, IndyMac served Plaintiff with a Notice of Trustee's Sale, informing him that the
13 Property would be foreclosed and sold on May 29, 2012.

14 19. IndyMac ultimately canceled the sale, ostensibly because the loan modification
15 application was pending.

16 20. On or about May 30, 2012, IndyMac advised Plaintiff that his application for a loan
17 application under the Home Affordable Modification Program ("HAMP") had been received, that
18 it was reviewing the application and supporting documentation, and that it would inform him if
19 additional information were needed.

20 21. That same day, by separate cover, IndyMac informed Plaintiff that his pay stubs
21 and tax returns had been rejected, purportedly because no year to date pay stubs had been provided,
22 and Plaintiff's 2011 tax return was missing.

23 22. Plaintiff had in fact already provided year to date pay stubs, and promptly provided
24 IndyMac additional documentation later that day, while informing IndyMac that Plaintiff's 2011
25 tax return was not available because he had obtained an extension from the IRS in which to file
26 one.

27 23. On or about June 22 and July 10, 2012, IndyMac sent two more notices purporting
28 to advise that Plaintiff's pay stubs were now outdated, which along with the profit and loss

1 statement, were again rejected.

2 24. Plaintiff promptly responded with his most recent pay stubs, and informed IndyMac
3 that he had requested that his CPA provide a letter addressing the profit and loss statement issue.

4 25. Before contacting the CPA, Plaintiff's counsel had an extensive conversation with
5 a representative of IndyMac in order to ensure that the contents of the CPA letter complied with
6 IndyMac's requirements.

7 26. On or about July 25, 2012, Plaintiff provided IndyMac a letter from his CPA,
8 David B. Matthews, addressing the profit and loss statement issue exactly as IndyMac had
9 requested by stating that Plaintiff's construction company, Spirit Underground, LLC, ceased
10 operations as of December 31, 2011.

11 27. On or about July 26, 2012, IndyMac informed Plaintiff that it was rejecting the
12 CPA letter.

13 28. In its July 26, 2012 letter, IndyMac also advised that all of Plaintiff's other
14 documents, including the 4506-T/4506-T EZ, the Dodd-Frank Certification, pay stubs, RMA and
15 tax returns, had been reviewed and accepted, and required no further action.

16 29. Pursuant to IndyMac's notice of September 4, 2012, it accepted Plaintiff's profit
17 and loss information, but now took issue with Plaintiff's tax returns, advising him that it required
18 his most recent filing from 2011, despite the fact that Plaintiff had informed IndyMac on numerous
19 occasions that he had received an extension from the IRS in which to file his 2011 return.

20 30. Plaintiff nevertheless rushed to have his tax return completed, and on or about
21 September 25, 2012, provided IndyMac a copy of his 2011 tax return.

22 31. On that same date, Plaintiff received a notice from IndyMac advising that it was
23 rejecting his loan modification application because his tax returns had not been submitted or were
24 insufficient.

25 32. On or about October 11, 2012, IndyMac served Plaintiff a Notice of Trustee's Sale,
26 setting a sale date of November 6, 2012, at 10am.

27 33. Shortly thereafter, Plaintiff's counsel contacted IndyMac and learned from a
28 representative that IndyMac was claiming that Plaintiff's loan modification application had expired

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90 days after it had been submitted, ostensibly some time in June 2012.

34. Plaintiff sent a letter to IndyMac on October 13, 2012, requesting that his 2011 tax return be considered and that the review process continue.

35. Several days later, on or about October 26, 2012, a different IndyMac representative informed Plaintiff's counsel that the loan modification application was still pending, and that it required an updated RMA and Plaintiff's most recent pay stubs, which Plaintiff had already provided.

36. Although it claims it is still reviewing Plaintiff's application, IndyMac refuses to vacate the Trustee's Sale scheduled for November 6, 2012, leaving Plaintiff no choice but to file suit in order to keep his home.

37. By reason of IndyMac's actions, Plaintiff has been damaged in an amount in excess of \$10,000 and required to retain the services of an attorney to bring this action, and is therefore entitled to reasonable attorney's fees and costs therefor.

FIRST CLAIM FOR RELIEF

(Injunctive Relief)

38. Plaintiff repeats and realleges the allegations contained in each and every preceding paragraph of this Complaint as though fully set forth herein.

39. Plaintiff has an interest in maintaining his Property and preventing IndyMac from unlawfully dispossessing him of it.

40. Plaintiff has applied to IndyMac for a loan modification pursuant to the Home Affordable Modification Program ("HAMP") in order to keep his home, promptly providing IndyMac with all documents it has requested throughout the review process.

41. Despite Plaintiff's apparent qualification for a loan modification, his responsiveness to IndyMac's document requests over a seven month period, and the fact that IndyMac still considers the application to be pending, IndyMac nonetheless noticed a trustee's sale for November 6, 2012, an action antagonistic to Plaintiff's rights in this matter.

42. Plaintiff's request to prevent the trustee's sale must be enforced to protect Plaintiff's rights in the Property during the loan modification process.

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43. A Court order is necessary to prevent IndyMac from foreclosing on the property contrary to its obligation to act in good faith.

44. Plaintiff has no adequate remedy at law to prevent IndyMac from foreclosing on Plaintiff's Property.

45. In the event that the Court does not grant an injunction, Plaintiff rights and title in the Property will be destroyed despite his qualification for a loan modification.

46. Plaintiff has been required to retain the law firm of an attorney to bring this underlying action against the IndyMac, and Plaintiff is entitled to reasonable attorneys fees as damages.

SECOND CLAIM FOR RELIEF

(Declaratory Relief)

47. Plaintiff repeats and realleges the allegations contained in each and every preceding paragraph of this Complaint as though fully set forth herein.

48. A dispute exists between Plaintiff and IndyMac as to the rights and obligations of the parties concerning the Property.

49. Specifically, Plaintiff avers that the foreclosure process should not proceed while his loan modification application is pending.

50. IndyMac disagrees and claims that it is entitled to proceed with the trustee's sale and foreclose on the Property despite Plaintiff's apparent qualification for a loan modification, and his good faith efforts in providing IndyMac all the documents it has requested.

51. Therefore, under NRS 30.040, Plaintiff respectfully requests that this Court enter declaratory judgment setting forth the respective rights, duties and obligations of the parties hereto.

THIRD CLAIM FOR RELIEF

(Breach of the Covenant of Good Faith and Fair Dealing)

52. Plaintiff repeats and realleges the allegations contained in each and every preceding paragraph of this Counterclaim as though fully set forth herein.

53. Each contract contains an implied covenant of good faith and fair dealing.

54. The parties entered into an agreement whereby Plaintiff applied for a loan

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1 modification with IndyMac in exchange for IndyMac's good faith review of the process, its
 2 refraining from proceeding with a trustee's sale, and its approval of Plaintiff's application if he met
 3 the criteria set out in the Home Affordable Modification Program.

4 55. As set forth above, by committing the acts alleged herein, IndyMac breached this
 5 covenant by failing to perform its obligations pursuant to the agreement, thereby frustrating
 6 Plaintiff's reasonable and specific expectations.

7 56. In so doing, IndyMac acted in bad faith, to Plaintiff's detriment.

8 57. By reason of IndyMac's actions, Plaintiff has been damaged in an amount in excess
 9 of \$10,000 and required to retain the services of an attorney to bring this action, and is therefore
 10 entitled to reasonable attorney's fees and costs therefor.

11 **FOURTH CLAIM FOR RELIEF**

12 **(Fraudulent Misrepresentation)**

13 58. Plaintiff repeats and realleges the allegations contained in each and every
 14 preceding paragraph of this Complaint as though fully set forth herein.

15 59. As set forth above, from March 2012, when Plaintiff first submitted his loan
 16 modification application, through October 2012, IndyMac represented that it would approve
 17 Plaintiff's application if Plaintiff provided certain documents demonstrating that he qualified.

18 60. IndyMac's representations were false, and made with the knowledge of their falsity,
 19 in order to induce Plaintiff's reliance, ultimately intending to proceed with the foreclosure process
 20 despite Plaintiff's qualification for the loan modification.

21 61. Plaintiff justifiably relied on IndyMac's representations in providing the supporting
 22 documents, and foregoing alternatives, as described above, which he would not have otherwise
 23 done, resulting in Plaintiff's injury when it elected to notice a trustee's sale.

24 62. By reason of IndyMac's actions, Plaintiff has been damaged in an amount in excess
 25 of \$10,000 and required to retain the services of an attorney to bring this action, and is therefore
 26 entitled to reasonable attorney's fees and costs therefor.

27 63. IndyMac's conduct as set forth above was intentional, fraudulent, willful, wanton,
 28 oppressive and/or malicious, and therefore, Plaintiff is also entitled to the recovery of punitive and

1 exemplary damages in an amount sufficient to punish IndyMac for its conduct.

2 **FIFTH CLAIM FOR RELIEF**

3 **(Negligent Misrepresentation)**

4 64. Plaintiff repeats and realleges the allegations contained in each and every
5 preceding paragraph of this Complaint as though fully set forth herein.

6 65. IndyMac made the foregoing false representations and material omissions to
7 Plaintiff without exercising reasonable care or concern for whether such representations were
8 to be kept.

9 66. As stated above, Plaintiff reasonably relied to his detriment upon these false
10 representations and material omissions.

11 67. Plaintiff suffered damages as a direct and proximate result of IndyMac's actions
12 by justifiably relying on IndyMac's representations.

13 68. By reason of IndyMac's actions, Plaintiff has been damaged in an amount in
14 excess of \$10,000 and required to retain the services of an attorney to bring this action, and is
15 therefore entitled to reasonable attorney's fees and costs therefor.

16 69. IndyMac's conduct as set forth above was intentional, fraudulent, willful,
17 wanton, oppressive and/or malicious, and therefore, Plaintiff is also entitled to the recovery of
18 punitive and exemplary damages in an amount sufficient to punish IndyMac for its conduct.

19 **SIXTH CLAIM FOR RELIEF**

20 **(Promissory Estoppel)**

21 70. Plaintiff repeats and realleges the allegations contained in each and every
22 preceding paragraph of this Complaint as though fully set forth herein.

23 71. As set forth above, IndyMac was informed and aware that Plaintiff would not
24 proceed with the loan modification process without the prior promise and assurance from IndyMac
25 that it would review the application in good faith and approve him when he demonstrated that he
26 qualified.

27 72. As set forth above, IndyMac made this promise for the purpose of inducing Plaintiff
28 into proceeding with the application process in lieu of pursuing other alternatives.

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73. Under the circumstances, IndyMac should reasonably have expected its promises to induce action or forbearance of a definite and substantial character on the part of Plaintiff.

74. As set forth above, IndyMac's promises in fact induced substantial action or forbearance on the part of Plaintiff; and injustice can only be avoided by enforcement of IndyMac's promises.

75. At the time Plaintiff accepted IndyMac's promises and assurances, he was unaware that IndyMac planned to renege on his promises and foreclose on the Property.

76. By reason of IndyMac's actions, Plaintiff has been damaged in an amount in excess of \$10,000 and required to retain the services of an attorney to bring this action, and is therefore entitled to reasonable attorney's fees and costs therefor.

77. IndyMac's conduct as set forth above was intentional, fraudulent, willful, wanton, oppressive and/or malicious, and therefore, Plaintiff is also entitled to the recovery of punitive and exemplary damages in an amount sufficient to punish IndyMac for its conduct.

SEVENTH CLAIM FOR RELIEF

(Deceptive Trade Practices)

78. Plaintiff repeats and realleges the allegations contained in each and every preceding paragraph of this Complaint as though fully set forth herein.

79. IndyMac's conduct, as described above, is in violation of NRS Chapter 598.

80. By reason of IndyMac's actions, Plaintiff has been damaged in an amount in excess of \$10,000 and required to retain the services of an attorney to bring this action, and is therefore entitled to reasonable attorney's fees and costs therefor.


WHEREFORE, Plaintiff prays for judgment against IndyMac as follows:

1. For a declaration enforcing the terms of the parties' agreement, and Plaintiff's rights in the Property;
2. For injunctive relief preventing the trustee's sale;
3. For damages in a sum in excess of \$10,000;
4. For punitive and exemplary damages in a sum in excess of \$10,000;
5. For a reasonable sum as attorneys' fees, costs of suit and interest; and

1 6. For such other and further relief as the Court deems just and proper.

2 DATED this 1 day of November, 2012.

3 JOLLEY URG A WIRTH WOODBURY
4 & STANDISH

5 By: 
6 L. Christopher Rose, Esq.
7 Alexander Villamar, Esq.
8 3800 Howard Hughes Pkwy., #1600
9 Las Vegas, Nevada 89169
10 Attorneys for Plaintiff

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VERIFICATION

STATE OF NEVADA

COUNTY OF CLARK

Peter A. Price, being first duly sworn, deposes and says:

I am the Plaintiff in this matter. I have read the foregoing Complaint, and know the contents thereof. I am informed and believe, and on that ground state, that the matters set forth therein are true and correct to the best of my knowledge.

DATED this ____ day of November, 2012.

PETER A. PRICE

SUBSCRIBED AND SWORN TO before me

this 1st day of November, 2012.

NOTARY PUBLIC

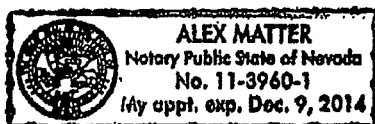


Exhibit "C"

Jolley Urga Wirth Woodbury & Standish
 3800 HOWARD HUGHES PARKWAY, SUITE 1600, LAS VEGAS, NV 89169
 TELEPHONE: (702) 699-7500 FAX: (702) 699-7555

1 **APPL**

2 L. CHRISTOPHER ROSE, ESQ.

3 Nevada Bar No. 7500

4 ALEXANDER VILLAMAR, ESQ.

5 Nevada Bar No. 9927

6 JOLLEY URG WIRTH WOODBURY & STANDISH

7 3800 Howard Hughes Parkway, 16th Floor

8 Las Vegas, Nevada 89169

9 Phone: (702) 699-7500

10 Fax: (702) 699-7555

11 Email: lcr@juwww.com

12 Email: av@juwww.com

13 Attorneys for Plaintiff Peter A. Price

14 DISTRICT COURT

15 CLARK COUNTY, NEVADA

16 PETER A. PRICE,

17 Plaintiff,

18 vs.

19 ONEWEST BANK GROUP, LLC, dba
 20 INDYMAC MORTGAGE SERVICES, a
 21 foreign limited liability company; BARRETT
 22 DAFFIN FRAPPIER TREDER & WEISS,
 23 LLP, a foreign limited liability partnership;
 24 DOE Individuals I through X; and ROE
 25 Corporations XI through XX,

26 Defendants.

CASE NO.: 12-A-671218-C

DEPT. NO.: XXVI

**APPLICATION FOR TEMPORARY
 RESTRAINING ORDER AND MOTION
 FOR PRELIMINARY INJUNCTION ON
 ORDER SHORTENING TIME**

Date of Hearing:

Time of Hearing:

27 Plaintiff Peter A. Price, by and through his counsel of record, Jolley Urga Wirth
 28 Woodbury & Standish, hereby files his Application for Temporary Restraining Order and
 Motion for Preliminary Injunction on Order Shortening Time and moves the Court to grant the
 relief against Defendant enjoining and restraining IndyMac from proceeding with the Trustee's
 Sale currently scheduled for November 6, 2012, at 10am, and for such other and further relief as
 the Court may deem just and proper.

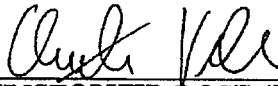
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JOLLEY URG WIRTH WOODBURY & STANDISH

By:


L. CHRISTOPHER ROSE, ESQ.

Nevada Bar No. 7500

ALEXANDER VILLAMAR, ESQ.

Nevada Bar No. 9927

3800 Howard Hughes Parkway, 16th Floor

Las Vegas, Nevada 89169

Phone: (702) 699-7500

Fax: (702) 699-7555

Email: lcr@juww.com

Email: av@juww.com

Attorneys for Plaintiff, Peter A. Price

**DECLARATION OF ALEXANDER VILLAMAR, ESQ.
IN SUPPORT OF ORDER SHORTENING TIME**

I, ALEXANDER VILLAMAR, ESQ., pursuant to NRS § 53.045, declare as follows:

1. I am an attorney licensed to practice law in the State of Nevada, an associate with the law firm of Jolley Urga Wirth Woodbury & Standish, the firm representing Plaintiff Peter A. Price in the instant matter.

2. Our firm assisted the Plaintiff in his efforts to obtain a loan modification on his home loan through Defendant OneWest Bank Group LLC dba IndyMac Mortgage Services ("IndyMac").

3. Plaintiff first applied for a loan modification with IndyMac in March 2012. Since then, he has responded to countless requests for additional information, providing hundreds of pages of documentation showing that he qualifies.

4. Plaintiff was informed and understood that he should be approved, and that a foreclosure sale would not take place while his application was being processed.

5. Despite his good faith efforts, his apparent qualification for the loan modification, and his prompt response to document requests, IndyMac nevertheless noticed a Trustee's Sale or November 6, 2012, while informing Plaintiff that his application is still pending.

6. Plaintiff respectfully requests that the court immediately issue a Temporary Restraining Order enjoining the Trustee's Sale as the Trustee's Sale is set to go forth in less than one week, on November 6, 2012.

7. Plaintiff also respectfully request that this his motion for a preliminary injunction be heard on an order shortening time. A copy of this motion will be provided to the Defendants upon its filing, and once a hearing date is set by the Court, a separate notice of hearing will be provided as well.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct to the best of my knowledge.

Executed this 1 day of November, 2012, in Las Vegas, Nevada.


ALEXANDER VILLAMAR, ESQ.

ORDER SHORTENING TIME

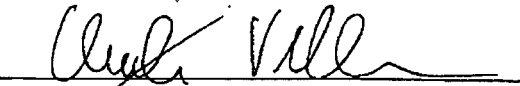
Based on the attached declaration of counsel, and finding that good cause exists to shorten the time of the hearing of the above Motion,

IT IS HEREBY ORDERED that the hearing of Plaintiff's Application for Temporary Restraining Order and Motion for Preliminary Injunction be set on shortened time and scheduled for hearing before Department 26 on the 6th day of November, 2012 at the hour of 9:00 4 a.m. of said day, or as soon thereafter as counsel may be heard.

DATED this 2nd day of November, 2012


DISTRICT COURT JUDGE

Submitted By:



L. CHRISTOPHER ROSE, ESQ.

Nevada Bar No. 7500

ALEXANDER VILLAMAR, ESQ.

Nevada Bar No. 9927

3800 Howard Hughes Parkway, 16th Floor

Las Vegas, Nevada 89169

Phone: (702) 699-7500

Fax: (702) 699-7555

Email: lcr@juww.com

Email: av@juww.com

Attorneys for Plaintiff Peter A. Price

I.

INTRODUCTION

Plaintiff Peter A. Price approached Defendant IndyMac in good faith in an effort to modify his home loan and keep his home. After being strung along for almost a year, providing hundreds of pages of supporting documents, and promptly responding to countless document requests, IndyMac has nevertheless decided to notice a trustee's sale and foreclose on Plaintiff's home. This action comes despite the fact that Plaintiff has provided IndyMac everything it has requested, and the latter still considers Plaintiff's loan application to be open and pending. Plaintiff is left with no choice but to seek the assistance of this honorable court to stop the foreclosure sale scheduled for November 6, 2012, in effort to keep his home and modify his home loan.

II.

FACTUAL BACKGROUND

Plaintiff is the owner of real property located at 442 Sunrise Villa Drive, Las Vegas, Nevada 89110, commonly known as APN: 140-34-612-026 (the "Property"). See Exhibit 1, Plaintiff's Declaration. In or about August 2007, Plaintiff executed a deed of trust securing the Property in favor of IndyMac in the principal amount of \$623,000. Plaintiff's sole source of

1 income came from his employment at Spirit Underground, LLC, a local construction company
2 he co-owned and operated. Spirit Underground ceased operations in 2011 because of the
3 downturn in the economy and the financial situation of the company, whose liabilities exceeded
4 its income. Plaintiff sought and obtained alternate employment, however, despite his best
5 efforts, he fell behind in his mortgage payments to IndyMac. As a result, IndyMac issued a
6 Notice of Default.
7

8 In or about January 2012, Plaintiff filed an application with the Nevada Foreclosure
9 Mediation Program. IndyMac informed Plaintiff following a preliminary review of Plaintiff's
10 file that it did not see why Plaintiff should not qualify for a loan modification, and that Plaintiff
11 should work with IndyMac to modify his loan. On or about March 6, 2012, Plaintiff formally
12 filed a Request for Modification and Affidavit ("RMA") with IndyMac. IndyMac acknowledged
13 receipt of the RMA. Additional supporting documents were provided to IndyMac on or about
14 March 28, 2012, pursuant to its request, including bank statements, a tax return, W2's for 2010
15 and 2011, pay stubs, an employment verification letter, among other things. At IndyMac's
16 request, an updated RMA was submitted to IndyMac on March 30, 2012, along with a second
17 copy of Plaintiff's supporting documents.
18

19 Pursuant to IndyMac's request, on or about April 19, 2012, Plaintiff provided evidence
20 of his signed 2010 tax return, and informed IndyMac that he was the only contributor to the
21 mortgage. On or about May 1, 2012, IndyMac requested that Plaintiff provide a contributor
22 letter and a profit and loss statement. See Exhibit 1-A. That same day, Plaintiff submitted a
23 contributor letter to IndyMac, and informed IndyMac that there was no profit and loss statement.
24 Despite Plaintiff's prompt responses to IndyMac's document requests, and IndyMac's
25 continuous representations that it was proceeding with a loan modification, on or about May 4,
26 2012, IndyMac served Plaintiff with a Notice of Trustee's Sale, informing him that the Property
27
28

1 would be foreclosed and sold on May 29, 2012. See Exhibit 1-B. IndyMac ultimately canceled
2 the sale, ostensibly because the loan modification application was pending. See Exhibit 1-C.

3
4 On or about May 30, 2012, IndyMac advised Plaintiff that his application for a loan
5 application under the Home Affordable Modification Program ("HAMP") had been received,
6 that it was reviewing the application and supporting documentation, and that it would inform
7 him if additional information were needed. See Exhibit 1-D. That same day, by separate cover,
8 IndyMac informed Plaintiff that his pay stubs and tax returns had been rejected, purportedly
9 because no year to date pay stubs had been provided, and Plaintiff's 2011 tax return was missing.
10 See Exhibit 1-E. Plaintiff had in fact already provided year to date pay stubs, and promptly
11 provided IndyMac additional documentation later that day, while informing IndyMac that
12 Plaintiff's 2011 tax return was not available because he had obtained an extension from the IRS
13 in which to file one. See Exhibit 1-F.

14
15 On or about June 22 and July 10, 2012, IndyMac sent two more notices purporting to
16 advise that Plaintiff's pay stubs were now outdated, which along with the profit and loss
17 statement, were again rejected. See Exhibits 1-G and 1-H, respectively. Plaintiff promptly
18 responded with his most recent pay stubs, and informed IndyMac that he had requested that his
19 CPA provide a letter addressing the profit and loss statement issue. See Exhibit 1-I. Before
20 contacting the CPA, Plaintiff's counsel had an extensive conversation with a representative of
21 IndyMac in order to ensure that the contents of the CPA letter complied with IndyMac's
22 requirements. On or about July 25, 2012, Plaintiff provided IndyMac a letter from his CPA,
23 David B. Matthews, addressing the profit and loss statement issue exactly as IndyMac had
24 requested by stating that Plaintiff's construction company, Spirit Underground, LLC, ceased
25 operations as of December 31, 2011. See Exhibit 1-J.

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3800 HOWARD HUGHES PARKWAY, SUITE 1600, LAS VEGAS, NV 89169
TELEPHONE: (702) 699-7500 FAX: (702) 699-7555

1 On or about July 26, 2012, IndyMac informed Plaintiff that it was rejecting the CPA
2 letter. In its July 26, 2012 letter, IndyMac also advised that all of Plaintiff's other documents,
3 including the 4506-T/4506-T EZ, the Dodd-Frank Certification, pay stubs, RMA and tax returns,
4 had been reviewed and accepted, and required no further action. See Exhibit 1-K. Pursuant to
5 IndyMac's notice of September 4, 2012, it accepted Plaintiff's profit and loss information, but
6 now took issue with Plaintiff's tax returns, advising him that it required his most recent filing
7 from 2011, despite the fact that Plaintiff had informed IndyMac on numerous occasions that he
8 had received an extension from the IRS in which to file his 2011 return. See Exhibit 1-L.
9 Plaintiff nevertheless rushed to have his tax return completed, and on or about September 25,
10 2012, provided IndyMac a copy of his 2011 tax return. See Exhibit 1-M. On that same date,
11 Plaintiff received a notice from IndyMac advising that it was rejecting his loan modification
12 application because his tax returns had not been submitted or were insufficient. See Exhibit 1-N.
13 On or about October 11, 2012, IndyMac served Plaintiff a Notice of Trustee's Sale, setting a sale
14 date of November 6, 2012, at 10am. See Exhibit 1-O.

15
16
17 Shortly thereafter, Plaintiff's counsel contacted IndyMac and learned from a
18 representative that IndyMac was claiming that Plaintiff's loan modification application had
19 expired 90 days after it had been submitted, ostensibly some time in June 2012. Plaintiff sent a
20 letter to IndyMac on October 13, 2012, requesting that his 2011 tax return be considered and that
21 the review process continue. See Exhibit 1-P. Several days later, on or about October 26, 2012,
22 a different IndyMac representative informed Plaintiff's counsel that the loan modification
23 application was still pending, and that it required an updated RMA and Plaintiff's most recent
24 pay stubs, which Plaintiff had already provided.
25

26 Although it claims it is still reviewing Plaintiff's application, IndyMac refuses to
27
28

1 vacate the Trustee's Sale scheduled for November 6, 2012, leaving Plaintiff no choice but to file
2 suit in order to keep his home.

3 4 III.

5 STANDARD FOR PRELIMINARY INJUNCTION AND 6 TEMPORARY RESTRAINING ORDER

7 A. PRELIMINARY INJUNCTION

8 The Nevada Supreme Court has long held that injunctive relief is available to prevent
9 irreparable injury to a business or proprietary interest. See *Sobol v. Capital Management*
10 *Consultants, Inc.*, 102 Nev. 444, 446, 726 P.2d 335, 337 (1986) (holding that plaintiff was
11 entitled to preliminary injunction to enjoin conduct that caused damage to business and profits);
12 *Guion v. Terra Marketing of Nevada, Inc.*, 90 Nev. 237, 240, 523 P.2d 847, 848 (1974)
(affirming order granting preliminary injunction to protect business and proprietary interests).

13 This Court is vested with the power to issue injunctive relief pursuant to NRCP 65 and
14 NRS 33.010. Indeed, interpreting NRS 33.010, the legislative authority for injunctive relief, the
15 Nevada Supreme Court has held that "[a] preliminary injunction is available if an applicant can
16 show a likelihood of success on the merits and a reasonable probability that the non-moving
17 party's conduct, if allowed to continue, will cause irreparable harm for which compensatory
18 damage is an inadequate remedy." *Dangberg Holdings Nevada, L.L.C. v. Douglas County*, 115
19 Nev. 129, 142, 978 P.2d 311, 319 (1999) (affirming order granting a preliminary injunction);
20 *Pickett v. Comanche Construction, Inc.*, 108 Nev. 422, 426, 836 P.2d 42, 44 (1992) (holding that
21 district court abused its discretion in denying injunctive relief). Importantly, the mere
22 availability of a legal remedy does not bar injunctive relief. See *Nevada Escrow Service, Inc. v.*
23 *Crockett*, 91 Nev. 201, 203, 533 P.2d 471, 472 (1975) (reversing the district court and holding
24 that plaintiff was entitled to a preliminary injunction). The legal remedy must be insufficient and
25 must be rendered inadequate by a far superior equitable remedy. See *id.*

26 The Nevada Supreme Court has long held that "if the injury is likely to be irreparable, or
27 if the defendant be insolvent, equity will always interpose its powers to protect a person from a
28 threatened injury." *Champion v. Sessions*, 1 Nev. 478, 483 (1865) (emphasis added). Moreover,

1 injunctive relief may be of either a mandatory or prohibitive nature, and is properly issued where
 2 "it is essential to preserve a business or property interest." *Guion v. Terra Marketing of Nevada,*
 3 *Inc.*, 90 Nev. at 240, 523 P.2d 420; *City of Reno v. Matley*, 79 Nev. 49, 60, 378 P.2d 256 (1963).

4 Finally, "[t]he decision whether to grant a preliminary injunction is within the sound
 5 discretion of the district court whose decision will not be disturbed on appeal absent an abuse of
 6 discretion." See *Dangberg Holdings*, 115 Nev. at 142-43, 978 P.2d at 319.

7 **B. TEMPORARY RESTRAINING ORDER**

8 NRCP 65(b) provides that

9 A temporary restraining order may be granted without written or oral notice to the
 10 adverse party or that party's attorney only if (1) it clearly appears from specific
 11 facts shown by affidavit or by the verified complaint that immediate and
 12 irreparable injury, loss, or damage will result to the applicant before the adverse
 13 party or that party's attorney can be heard in opposition, and (2) the applicant's
 attorney certifies to the court in writing the efforts, if any, which have been made
 to give the notice and the reasons supporting the claim that notice should not be
 required.

14 NRCP 65(b).

15 **III.**

16 **PLAINTIFF ENTITLED TO A TEMPORARY RESTRAINING ORDER AND** 17 **INJUNCTIVE RELIEF PREVENTING THE TRUSTEE'S SALE**

18 **1. Plaintiff Enjoys More Than A Likelihood Of Success On The Merits.**

19 Plaintiff first applied for a loan modification with IndyMac in March 2012. Since then,
 20 he has responded to countless requests for additional information, providing hundreds of pages
 21 of documentation showing that he qualifies. Plaintiff was informed and understood that his
 22 application was virtually a mere formality, and that a foreclosure sale would not take place while
 23 his application was being processed. Despite his good faith efforts, his apparent qualification for
 24 the loan modification, and his prompt response to document requests, IndyMac nevertheless
 25 noticed a Trustee's Sale while informing Plaintiff that his application is still pending. The facts
 26 show that IndyMac failed to act in good faith, dragging out the process, requesting the same
 27 documents time and again, and procrastinating so that certain documents would become outdated
 28 in order to reject them, and require Plaintiff to provide them again. On these facts, Plaintiff is

1 more than likely to succeed on the merits.

2 **2. Plaintiff Will Suffer Irreparable Harm Should the Trustee's Sale Proceed.**

3 Should the Trustee's Sale be permitted to proceed Plaintiff will be irreparably harmed by
4 being dispossessed of the home he has owned and lived in for over 10 years. To prevent
5 irreparable injury, a temporary restraining order and preliminary injunction must be entered
6 preventing IndyMac from foreclosing on the Property, and allowing the loan modification
7 application to proceed.

8 **IV.**

9 **CONCLUSION**

10 For the foregoing reasons, Plaintiff respectfully requests an order enjoining and
11 restraining IndyMac from proceeding with the Trustee's Sale currently scheduled for November
12 6, 2012, at 10AM¹.

13 Dated this 1 day of November, 2012.

14 JOLLEY URGAL WIRTH WOODBURY & STANDISH

15 By: 

16 L. CHRISTOPHER ROSE, ESQ.

17 Nevada Bar No. 7500

18 ALEXANDER VILLAMAR, ESQ.

19 Nevada Bar No. 9927

20 3800 Howard Hughes Parkway, 16th Floor

21 Las Vegas, Nevada 89169

22 Phone: (702) 699-7500

23 Fax: (702) 699-7555

24 Email: lcr@juww.com

25 Email: av@juww.com

26 Attorneys for Plaintiff Peter A. Price

27
28 ¹ Plaintiff respectfully requests that any bond ordered to be posted by the Plaintiff be a nominal amount.

Exhibit 1

DECLARATION OF PETER A. PRICE

I, PETER A. PRICE, pursuant to NRS § 53.045, declare as follows:

1. I am the Plaintiff in the instant matter.

2. I am the owner of real property located at 442 Sunrise Villa Drive, Las Vegas, Nevada 89110, commonly known as APN: 140-34-612-026 (the "Property").

3. In or about August 2007, I executed a deed of trust securing the Property in favor of IndyMac in the principal amount of \$623,000.

4. My sole source of income came from my employment at Spirit Underground, LLC, a local construction company I co-owned and operated.

5. Spirit Underground ceased operations in 2011 because of the downturn in the economy and the financial situation of the company, whose liabilities exceeded its income.

6. I sought and obtained alternate employment, however, despite my best efforts, I fell behind in my mortgage payments to IndyMac. As a result, IndyMac issued a Notice of Default.

7. In or about January 2012, I filed an application with the Nevada Foreclosure Mediation Program.

8. IndyMac informed me following a preliminary review of my file that it did not see why I should not qualify for a loan modification, and that I should work with IndyMac to modify my loan.

9. On or about March 6, 2012, I formally filed a Request for Modification and Affidavit ("RMA") with IndyMac. IndyMac acknowledged receipt of the RMA.

10. Additional supporting documents were provided to IndyMac on or about March 28, 2012, pursuant to its request, including bank statements, a tax return, W2's for 2010 and 2011, pay stubs, an employment verification letter, among other things.

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TELEPHONE: (702) 699-7500 FAX: (702) 699-7555

1 11. At IndyMac's request, an updated RMA was submitted to IndyMac on March 30,
2 2012, along with a second copy of my supporting documents.

3 12. Pursuant to IndyMac's request, on or about April 19, 2012, I provided evidence
4 of my signed 2010 tax return, and informed IndyMac that I was the only contributor to the
5 mortgage.
6

7 13. On or about May 1, 2012, IndyMac requested that I provide a contributor letter
8 and a profit and loss statement. See Exhibit 1-A. That same day, I submitted a contributor letter
9 to IndyMac, and informed IndyMac that there was no profit and loss statement.

10 14. Despite my prompt responses to IndyMac's document requests, and IndyMac's
11 continuous representations that it was proceeding with a loan modification, on or about May 4,
12 2012, IndyMac served me with a Notice of Trustee's Sale, informing me that the Property would
13 be foreclosed and sold on May 29, 2012. See Exhibit 1-B.
14

15 15. IndyMac ultimately canceled the sale, ostensibly because the loan modification
16 application was pending. See Exhibit 1-C.

17 16. On or about May 30, 2012, IndyMac advised me that my application for a loan
18 application under the Home Affordable Modification Program ("HAMP") had been received,
19 that it was reviewing the application and supporting documentation, and that it would inform me
20 if additional information were needed. See Exhibit 1-D.
21

22 17. That same day, by separate cover, IndyMac informed me that my pay stubs and
23 tax returns had been rejected, purportedly because no year to date pay stubs had been provided,
24 and my 2011 tax return was missing. See Exhibit 1-E.

25 18. I had in fact already provided year to date pay stubs, and promptly provided
26 IndyMac additional documentation later that day, while informing IndyMac that my 2011 tax
27 return was not available because I had obtained an extension from the IRS in which to file one.
28

1 See Exhibit 1-F.

2 19. On or about June 22 and July 10, 2012, IndyMac sent me two more notices
3 purporting to advise that my pay stubs were now outdated, which along with the profit and loss
4 statement, were again rejected. See Exhibits 1-G and 1-H, respectively.

5
6 20. I promptly responded with my most recent pay stubs, and informed IndyMac that
7 I had requested that my CPA provide a letter addressing the profit and loss statement issue. See
8 Exhibit 1-I.

9 21. Before contacting the CPA, my attorney had an extensive conversation with a
10 representative of IndyMac in order to ensure that the contents of the CPA letter complied with
11 IndyMac's requirements.

12
13 22. On or about July 25, 2012, I provided IndyMac a letter from my CPA, David B.
14 Matthews, addressing the profit and loss statement issue exactly as IndyMac had requested, by
15 stating that my construction company, Spirit Underground, LLC, ceased operations as of
16 December 31, 2011. See Exhibit 1-J.

17 23. On or about July 26, 2012, IndyMac informed me that it was rejecting the CPA
18 letter. See Exhibit 1-K.

19
20 24. In its July 26, 2012 letter, IndyMac also advised that all of my other documents,
21 including the 4506-T/4506-T EZ, the Dodd-Frank Certification, pay stubs, RMA and tax returns,
22 had been reviewed and accepted, and required no further action. See Exhibit 1-K.

23 25. Pursuant to IndyMac's notice of September 4, 2012, it accepted my profit and
24 loss information, but now took issue with my tax returns, advising me that it required my most
25 recent filing from 2011, despite the fact that I had informed IndyMac on numerous occasions
26 that I had received an extension from the IRS in which to file my 2011 return. See Exhibit 1-L.

27
28 26. I nevertheless rushed to have my tax return completed, and on or about September

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TELEPHONE: (702) 699-7500 FAX: (702) 699-7555

1 25, 2012, provided IndyMac a copy of the 2011 tax return. See Exhibit 1-M.

2 27. On that same date, I received a notice from IndyMac advising that it was rejecting
3 my loan modification application because my tax returns had not been submitted or were
4 insufficient. See Exhibit 1-N.
5

6 28. On or about October 11, 2012, IndyMac served me a Notice of Trustee's Sale,
7 setting a sale date of November 6, 2012, at 10am. See Exhibit 1-O.

8 29. Shortly thereafter, my attorney contacted IndyMac and learned from a
9 representative that IndyMac was claiming that my loan modification application had expired 90
10 days after it had been submitted, ostensibly some time in June 2012.
11

12 30. My attorney sent a letter to IndyMac on October 13, 2012, requesting that my
13 2011 tax return be considered and that the review process continue. See Exhibit 1-P.

14 31. Several days later, on or about October 26, 2012, a different IndyMac
15 representative informed my attorney that the loan modification application was still pending, and
16 that it required an updated RMA and my most recent pay stubs, which I had already provided.

17 32. Although it claims it is still reviewing my application, IndyMac refuses to vacate
18 the Trustee's Sale scheduled for November 6, 2012, leaving me no choice but to file suit in order
19 to keep my home.
20

21 I declare under penalty of perjury under the law of the State of Nevada that the foregoing
22 is true and correct to the best of my knowledge.

23 Executed this 1st day of November, 2012, in Las Vegas, Nevada.

24
25 
26 PETER A. PRICE
27
28

Exhibit 1-A

Here's what we need.

Please submit the rejected and missing documents.

Please provide all required information for your application by 5/18/2012.

0	Rejected
2	Missing

So that the review of your loan modification can continue, we have provided helpful guides to ensure all documents are submitted correctly. If you or another borrower on your loan received a "Missing" or "Rejected" status on the chart you must submit (or resubmit) these documents as soon as possible. Failure to do so in a timely manner could cause your request for modification to be denied.

The enclosed insert(s) outline how to submit or resubmit any "Rejected" or "Missing" documents.

Missing

We have not received this item which is required to review your loan for a modification. Please review this list of "Missing" items for details on how to correctly submit these documents.

01 Missing (PETER A PRICE)

Profit and Loss Statement (P&L): Submit most recent P&L statement listing three consecutive months. Statement should:

- Include itemized profit and loss for each month.
- Not include personal expenses.
- Include P&L for one business only (if you have more than one business submit a separate P&L for each business).

02 Missing (PETER A PRICE)

Contributor Letter: Send a letter listing the name of the person who is contributing to your mortgage payment, including the dollar amount of the monthly contribution.

7/15/13 2000028187 15/51

Important information about your mortgage.

Please read the detailed information provided below.

Please provide all required information for your application by 5/18/2012.

0 Rejected
2 Missing

Peter A Price
442 Sunrise Villa Dr
Las Vegas, NV 89110

Loan Number: 1010349650
Reference Number: 1010349650A9709
MAT Instance Number: 1

May 1, 2012

Thank you for submitting a modification request. We are in the process of reviewing your loan for eligibility for a modification.

The chart below lists the documents required for a loan modification and the status of each document by borrower. An explanation below the chart will help you to understand each status category.

You can use the number in the chart, next to each missing or rejected document, to find instructions on how to submit or resubmit the document in the enclosed "Here's what we need." pages.

Document	PETER A PRICE
Pay Stubs	✓
Bank Statements	✓
Tax Returns	01
W-2s	✓
Proof of Income	✓
Proof of Assets	✓
Proof of Insurance	✓
Proof of Home Ownership	✓
Proof of Residence	✓
Proof of Employment	02

Not Applicable (-): At this time we don't require this document for review. If it is determined that we need to review this document for your modification application we will send you a follow up letter with this document marked as "Missing."

Accepted ✓: We have reviewed this document and it is accepted. You do not need to take any action for this item.

Pending: This document has been submitted and is currently in review. If we are not able to accept the document as-is, you will receive another letter with this item listed as "Rejected."

Rejected: We were unable to process your modification with this document as it was submitted. Please review the attached list of "Rejected" and "Missing" items for details on how to correctly resubmit this document.

Missing: We have not received this item which is required to review your loan for a modification. Please review the attached list of "Rejected" and "Missing" items for details on how to correctly submit this document.

If you have any questions, contact your loan counselor Tonya Morales at 1.800.761.0743 or TonyaMorales.Team2@owb.com.

IndyMac Mortgage Services
a division of OneWest Bank FSB

Exhibit 1-B

Recording requested by:
SERVICELINK, A DIVISION OF CHICAGO
TITLE INSURANCE COMPANY

When Recorded Mail To:
BARRETT DAFFIN FRAPPIER
TREDER & WEISS, LLP
15000 Surveyor Boulevard, Suite 500
Addison, Texas 75001-9013

APN #: 140-34-612-026

Property Address:
442 SUNRISE VILLA DRIVE
LAS VEGAS, NEVADA 89110



NTSP20110159901357

Space above this line for Recorder's use only

Trustee Sale No.: 20110159901357

Title Order No.: 912013

FHA/VA/PMI No.:

NOTICE OF TRUSTEE'S SALE

YOU ARE IN DEFAULT UNDER A DEED OF TRUST, DATED 08/08/2007. UNLESS YOU TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC SALE. IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDING AGAINST YOU, YOU SHOULD CONTACT A LAWYER.

BARRETT DAFFIN FRAPPIER TREDER & WEISS, LLP, as duly appointed Trustee under and pursuant to Deed of Trust Recorded on 08/20/2007 as Instrument No. 20070820-0001649 of official records in the office of the County Recorder of CLARK County, State of NEVADA.

EXECUTED BY: PETER A. PRICE AND GAYLE T. PRICE,

WILL SELL AT PUBLIC AUCTION TO HIGHEST BIDDER FOR CASH, (payable at time of sale in lawful money of the United States, by cashier's check drawn by a state or national bank, check drawn by state or federal credit union, or a check drawn by a state or federal savings and loan association, or savings bank).

DATE OF SALE: 05/29/2012 TIME OF SALE: 10:00 AM

PLACE OF SALE: THE FRONT ENTRANCE TO THE NEVADA LEGAL NEWS LOCATED AT 930 SO. FOURTH STREET, LAS VEGAS, NV 89101.

STREET ADDRESS and other common designation, if any, of the real property described above is purported to be:

442 SUNRISE VILLA DRIVE, LAS VEGAS, NEVADA 89110

PARCEL 1:

LOT 26 IN BLOCK 3 OF THE ESTATES AT SUNRISE MOUNTAIN, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 81 OF PLATS, PAGE 81, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA, AND BY CERTIFICATES OF AMENDMENT RECORDED NOVEMBER 20, 1997 IN

Trustee Sale No.:20110159901357

Title Order No.:912013

FHA/VA/PMI No.:

BOOK 971120 AS DOCUMENT NO. 01161 OFFICIAL RECORDS.

PARCEL II:

**AN EASEMENT FOR INGRESS AND EGRESS, PUBLIC UTILITIES AND INCIDENTAL PURPOSES
OVER THOSE AREAS DELINEATED AS PRIVATE STREETS AND PUE ON SAID MAP MENTIONED IN
PARCEL I HEREINABOVE.**

EXCEPTING THEREFROM THAT PORTION OF THE PRIVATE DRIVE LYING WITHIN SAID LAND.

The undersigned Trustee disclaims any liability for any incorrectness of the street address and other common designation, if any, shown herein. The property heretofore described is being sold "as is", the lender is unable to validate the condition, defects or disclosure issues of said property and buyer waves the disclosure requirements under NRS 113.130 by purchasing at the sale and signing said receipt. Said sale will be made, but without covenant or warranty, express or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the note(s) secured by said Deed of Trust, with interest thereon, as provided in said note(s), advances, under the terms of said Deed of Trust, fees, charges and expenses of the Trustee and of the trusts created by said Deed of Trust. The total amount of the unpaid balance of the obligation secured by the property to be sold and reasonable estimated costs, expenses and advances at the time of the initial publication of the Notice of Sale is \$677,306.43. Accrued interest and additional advances, if any, will increase this figure prior to sale. The beneficiary under said Deed of Trust heretofore executed and delivered to the undersigned a written Declaration of Breach and Demand for Sale; and a written Notice of Breach and Election to Sell. The undersigned caused said Notice of Breach and Election to Sell to be recorded in the county where the real property is located.

If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse.

FOR TRUSTEE SALE INFORMATION PLEASE CALL:

**PRIORITY POSTING & PUBLISHING, INC.
17501 IRVINE BLVD., SUITE ONE
TUSTIN, CA 92780
714-573-1965
www.priorityposting.com**

BARRETT DAFFIN FRAPPIER TREDER & WEISS, LLP as Trustee

Dated: 05/04/2012

Exhibit 1-C

R. GARDNER JOLLEY
WILLIAM R. URG
BRUCE L. WOODBURY
THOMAS J. STANDISH
BRIAN E. HOLTHUS
MARTIN A. LITTLE
L. CHRISTOPHER ROSE
DAVID J. MALLEY

JENNIFER FOYNTER-WILLIS
ALEXANDER VILLAMAR
MELISSA L. WAITE
HOLLY A. FIC
TYLER N. URG
MICHAEL K. ERNST
JASON VANMEETREN

JOLLEY URG WIRTH
WOODBURY & STANDISH
ATTORNEYS AT LAW

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WELLS FARGO TOWER
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TELEPHONE (702) 699-7500
FACSIMILE (702) 699-7555

www.juwv.com
E-MAIL: mail@juwv.com

BOULDER CITY OFFICE
1000 NEVADA WAY
SUITE 105
BOULDER CITY, NEVADA
89005
(702) 253-3674

BILL SPOHRER, SPHR
DIRECTOR OF ADMINISTRATION

OF COUNSEL
CHARLES T. COOK
ROGER A. WIRTH

May 24, 2012

Via Facsimile: (866) 374-8767 and (626) 535-4084

Pamela, ID # 945
IndyMac Mortgage Services

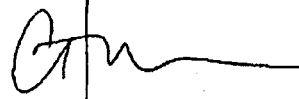
Re: Peter A. Price, 442 Sunrise Villa Drive, Las Vegas, Nevada 89110
Loan Number 1010349650

Dear Pamela:

This letter is to confirm information we have recently received from IndyMac that the foreclosure sale currently scheduled for the above property on May 29, 2012 at 10:00 a.m. is on hold and will not proceed on that date. Mr. Price is obtaining the additional employment verification letter that IndyMac requested this week and will provide it for the loan modification process. If your understanding of the foregoing differs in any regard, please notify me immediately. Thank you for your assistance.

Very truly yours,

JOLLEY URG WIRTH WOODBURY
& STANDISH



L. Christopher Rose, Esq.

LCR/km

Exhibit 1-D

Important Information about Your Mortgage

Please read the detailed information provided below.

Thank you for your
modification application.
Please provide all
needed information
as soon as possible.

1MD0529A 7000000992 01.0005.0056 992/1



Peter A Price
442 Sunrise Villa Dr
Las Vegas, NV 89110-4042

Loan Number: 1010349650
Reference Number: 1010349650L9945
MAT Instance Number: 2

May 30, 2012

Dear Peter A Price,

We have received your application for a loan modification under the Home Affordable Modification Program (HAMP). Currently, we are reviewing your application and financial situation for eligibility. The process includes review of all documents.

HAMP Requirements

As a part of our review process we will make sure that your loan meets the following requirements:

- Mortgage is a first lien mortgage loan originated on or before January 1, 2009.
- Mortgage is secured by a one-to four-unit residential property.
- Property is not condemned or not in such poor physical condition that the property is not habitable even if not condemned.
- You are able to provide evidence of financial hardship.
- You are able to provide documentation of your income.
- All required information has been submitted.

The above list is only a summary of the HAMP guidelines. Other requirements which are not listed may affect the eligibility of your loan.

Please submit all required documentation.

Attached to this letter is an Income Worksheet to help you check which financial documents we will need to complete our review of your application. This is important, if you do not submit all documents by 6/13/2012, you may have to re-apply and start the application process again.

If you have already submitted these documents you do not need to send in any additional information at this time. Any documents that you have not already submitted can be faxed to 1.866.435.7643 or sent to the following address using the enclosed prepaid envelope:

IndyMac Mortgage Services
2900 Esperanza Crossing
IndyMac - 4
Austin, TX 78758

What to expect when all documents have been submitted:

Our current review period will take approximately 30 days. If we determine that we need additional information from you during this review period you will receive additional letters requesting specific documentation. Please respond to those letters as quickly as possible so that we may continue our review.

Once your application is complete if it is determined that you qualify for HAMP, you will then enter into a HAMP Trial Plan, which will lower your monthly payments for three months. Approval for a final HAMP modification will be determined by your current financial situation and the successful completion of the Trial Plan.

If you have any questions or concerns our loan experts are here to help. Please call 1.866.682.7714 or check your application status online at www.indymacmortgageservicesmodification.com

Sincerely,

IndyMac Mortgage Services, a division of OneWest Bank®, FSB

Call Toll Free
Monday - Friday, 8 a.m. - 9 p.m. (EST)
Saturday, 9 a.m. - 6 p.m. (EST)



This company is a debt collector and any information obtained will be used for that purpose. However, if you have filed a bankruptcy petition and there is either an "automatic stay" in effect in your bankruptcy case, or your debt has been discharged pursuant to the bankruptcy laws of the United States, this communication is intended solely for informational purposes.

9945

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SVC APPREC 003 06072012

See Reverse Side for Important Information

APREC

■ Federal Tax Returns:

- Must be the most recent signed and filed federal tax return.
- Must include all pages and schedules.
- If an extension has been filed for the past year's tax return, you must submit an active IRS Extension Form (expired extension forms are not acceptable) and a copy of the previous year's signed and filed tax return with all pages and schedules.

■ Signed 4506-T or 4506-T EZ.

■ Benefit Statements:

- Can include letters, exhibits, or a disability policy or benefit statement from the provider.
- Must clearly list the amount and frequency of the benefits.

■ Bank Statements:

- Include copies of two most recent bank statements.
- Must include all pages and clearly show benefit deposit amounts.
- The remaining balance must be clearly listed at the end of the statement.

■ Proof of Receipt of Payments:

- Include copies of two most recent bank statements.
- Must include all pages and clearly show benefit deposit amounts.
- The remaining balance must be clearly listed at the end of the statement.
- As an alternative, you may also provide Proof of Receipt of Payments by including two recent deposit advances showing deposit amounts.

If you receive alimony, child support or separation maintenance (NOTE: You are not required to disclose child support, alimony or separation maintenance income, unless you choose to have it considered by your servicer):

For each borrower (or non-borrower contributor, who is not on the original note, who resides in the residence and whose income is relied upon to support the mortgage payment) include the following documents:

■ Divorce Decree, Separation Agreement or other Legal Written Agreement:

- Must be filed in court.
- Must show the amount of the alimony or child support payment.
- Must include the period of time over which the payment will be received.

■ Signed 4506-T or 4506-T EZ.

■ Bank Statements:

- Include copies of two most recent bank statements.
- Must include all pages.
- The remaining balance must be clearly listed at the end of the statement.

■ Proof of Receipt of Payments:

- Include copies of two most recent bank statements.
- Must include all pages and clearly show benefit deposit amounts.
- The remaining balance must be clearly listed at the end of the statement.
- As an alternative, you may also provide Proof of Receipt of Payments by including two recent deposit advances showing deposit amounts.

If you have rental income:

For each borrower (or non-borrower contributor, who is not on the original note, who resides in the residence and whose income is relied upon to support the mortgage payment) include the following documents:

■ Federal Tax Returns:

- Must be the most recent signed and filed federal tax return.
- Should include all pages and schedules.
- If an extension has been filed for the past year's tax return, you must submit an active IRS Extension Form (expired extension forms are not acceptable) and a copy of the previous year's signed and filed tax return with all pages and schedules.
- Include Schedule E – Supplement of Income and Loss (used to provide documentation of your rental income).

If Schedule E is not available because the property was not previously rented, you must:

- Present a signed rental agreement with the rental amount, lease agreement, start date and end date listed.
- Include copies of the two most recent bank statements showing your rental deposit or the two most recently canceled rent checks.

■ Signed 4506-T or 4506-T EZ.

■ How to calculate rental income:

- Rental income from renting a portion of your principal residence: income will be calculated at 75% of monthly gross rental income. Rental income from properties other than your principal residence: income will be calculated at 75% of the monthly gross rental income reduced by the monthly debt service on the property (e.g. principal, interest, taxes, insurance, mortgage insurance and association fees).

If you have non-borrower contributor income:

If you used contribution income from a non-borrower (including your spouse) on your application you will need to submit a contribution letter. A non-borrower is someone who is not on the original note (and may not be on the Original Security Instrument) and must reside in the residence, but whose income is relied upon to support the mortgage payment.

A contribution letter includes:

- The payment amount from each contributor.
- How frequently the contributor contributes to payments.
- A statement confirming that contributor resides in the property.
- The letter must be signed and dated by each contributor.

Along with the contribution letter, each contributor must submit a credit authorization form as well as all required Proof of Income necessary based on the requirements outlined previously for the respective income the contributor receives.

IndyMac Mortgage Services

a division of OneWest Bank, FSB

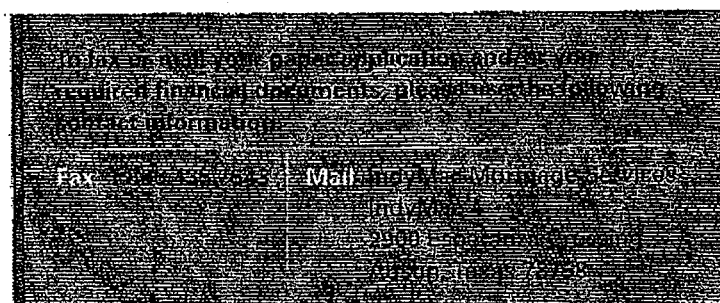


Exhibit 1-E

Important information about your mortgage.

Please read the detailed information provided below.

Please provide all required information for your application by 7/4/2012.

2 Rejected
0 Missing

Peter A Price
442 Sunrise Villa Dr
Las Vegas, NV 89110

Loan Number: 1010349650
Reference Number: 1010349650A9867
MAT Instance Number: 2

May 30, 2012

Thank you for submitting a modification request. We are in the process of reviewing your loan for eligibility for a modification.

The chart below lists the documents required for a loan modification and the status of each document by borrower. An explanation below the chart will help you to understand each status category.

You can use the number in the chart, next to each missing or rejected document, to find instructions on how to submit or resubmit the document in the enclosed "Here's what we need." pages.

Document	PETER A PRICE
1. Pay stubs	✓
2. Bank statements	✓
3. Tax returns	01 Rejected
4. Proof of income	✓
5. Proof of assets	02 Rejected

Not Applicable (-): At this time we don't require this document for review. If it is determined that we need to review this document for your modification application we will send you a follow up letter with this document marked as "Missing."

Accepted ✓: We have reviewed this document and it is accepted. You do not need to take any action for this item.

Pending: This document has been submitted and is currently in review. If we are not able to accept the document as-is, you will receive another letter with this item listed as "Rejected."

Rejected: We were unable to process your modification with this document as it was submitted. Please review the attached list of "Rejected" and "Missing" items for details on how to correctly resubmit this document.

Missing: We have not received this item which is required to review your loan for a modification. Please review the attached list of "Rejected" and "Missing" items for details on how to correctly submit this document.

If you have any questions, contact your loan counselor Tonya Morales at 1.866.682.7717 or TonyaMorales.Team2@owb.com.

Here's what we need.

Please submit the rejected and missing documents.

Please provide all required information for your application by 7/4/2012.

2	Rejected
0	Missing

So that the review of your loan modification can continue, we have provided helpful guides to ensure all documents are submitted correctly. If you or another borrower on your loan received a "Missing" or "Rejected" status on the chart you must submit (or resubmit) these documents as soon as possible. Failure to do so in a timely manner could cause your request for modification to be denied.

The enclosed insert(s) outline how to submit or resubmit any "Rejected" or "Missing" documents.

Rejected

We were unable to process your modification with this document as it was submitted. Please review this list of "Rejected" items for details on how to correctly resubmit these documents.

01 Rejected (PETER A PRICE)

Paystubs: The paystubs you recently submitted do not include year-to-date (YTD) information. Please resubmit copies of your most recent paystubs.

Remember, all paystubs must:

- List all deductions (both state and federal).
- Include dates less than 90 days old.
- Show a full month of pay.
- If paid every other week or twice a month, submit two (2) most recent paystubs.
- If paid weekly, submit four (4) most recent paystubs.
- List an identification number such as a Social Security number (at least the last four (4) digits), employee ID or payroll number.
- List pay period dates on each paystub.
- List year-to-date (YTD) amounts on each paystub.
- If your paystubs do not have this information, you must request a Verification of Employment from your employer listing the year-to-date (YTD) amounts and submit it in addition to your paystubs.

02 Rejected (PETER A PRICE)

Tax Returns: The tax return you submitted was rejected because it was not for the most current filing year. Please submit your tax return documentation from the most recent filing year.

Remember, a copy of your most recent filed Federal Tax Return must be signed by all persons listed on the return with all pages and schedules included. If a tax return was filed electronically, you must provide an 8829 IRS Form and/or confirmation that the tax return was filed. If an extension has been filed for the past year's tax return, an active IRS Extension Form (expired extension forms are not acceptable) and a copy of the previous year's signed and filed tax return with all pages and schedules included must be submitted.

1829/3 2000019472 (3/5)

Contact Tonya Morales at:

1.866.682.7717

Monday - Friday 7 a.m. - 9 p.m. (CST)

Frequently Asked Questions

Answers to the most common questions about document submission.

Q. How will I know if I am eligible for a loan modification?

A. To qualify for a loan modification, you must:

- Be the owner-occupant of a one to four unit property that exists as your owner-occupied primary residence.
- Have a monthly mortgage payment (including mortgage principal, interest, taxes, insurance and homeowners association dues) that is greater than 31% of your monthly gross (pre-tax) income.
- Have a first lien mortgage that was originated on or before January 1, 2009.
- Have a mortgage payment that is not affordable due to a financial hardship, which you must be able to document.
- Provide documentation of your income.
- Provide all required information and complete all required steps included in the financial packet.

You will not be eligible for a loan modification if:

- Your home is a second home or investment property.
- Your housing payment is less than or equal to 31% of your gross monthly income.
- You are unable to provide evidence of financial hardship.
- You are unable to provide documentation of your income.
- You do not complete all required steps included in our financial packet.
- You do not provide all required information requested in the financial packet.

Q. What will IndyMac Mortgage Services do to determine if my circumstances qualify?

A. If you apply for a modification, IndyMac Mortgage Services will determine your qualifications by performing the following steps:

- Determine whether your loan meets the minimum eligibility requirements.
- Inquire about current income, expenses and assets, as well as the specific circumstances that are making it difficult for you to make your payments.
- Ask for verifying documentation of your income and expenses.
- Determine if your payment is more than 31% of your pre-tax monthly income.
- Perform an economic test to see whether the value of the loan to the investor would be greater if the loan is modified.
- Offer a loan modification if you qualify.

Q. Where do I fax or mail my application?

A. To fax or mail your paper application and/or your required financial documents, please use the following contact information:

Fax: 1.866.435.7643

Mail: IndyMac Mortgage Services

2900 Esperanza Crossing

IndyMac-4

Austin, Texas 78758

If you prefer to apply online, you may upload documents right from your home computer. Visit www.indymacmortgageservicesmodification.com to access our online application.

Q. Is there a fee to apply for, or receive a loan modification?

A. No. You will not be required to pay a modification fee or pay past due late fees. If you are behind on taxes or other costs, those will be added into the amount you owe on your new payment. You will also have the option to pay some or all of these expenses in advance, which would further reduce your monthly payment and save you interest costs over the life of the loan. If you are required to undergo HUD-approved credit counseling as a condition of your modification, you will not be charged a consulting fee.

1829/4 2009012473 14/21

IndyMac Mortgage Services

a division of OneWest Bank FSB

Exhibit 1-F

R. GARDNER JOLLEY
WILLIAM R. URG
BRUCE L. WOODBURY
THOMAS J. STANDISH
BRIAN B. HOLTHUS
MARTIN A. LITTLE
L. CHRISTOPHER ROSE
DAVID J. MALLEY

JENNIFER FOYNTER-WILLIS
ALEXANDER VILLAMAR
MELESA L. WAITE
HOLLY A. FIC
TYLER N. URE
MICHAEL R. ERNST
JASON VANMBETREN

JOLLEY URG WIRTH
WOODBURY & STANDISH
ATTORNEYS AT LAW

3800 HOWARD HUGHES PARKWAY
SIXTEENTH FLOOR
WELLS FARGO TOWER
LAS VEGAS, NEVADA 89169
TELEPHONE (702) 699-7500
FACSIMILE (702) 699-7555

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BOULDER CITY, NEVADA
89005
(702) 293-3674

BILL SPOHRER, SPHR
DIRECTOR OF ADMINISTRATION

OF COUNSEL
CHARLES T. COOK
ROGER A. WIRTH

May 30, 2012

Via Facsimile: (866) 374-8767 and (626) 535-4084

Pamela, ID # 945
IndyMac Mortgage Services

**Re: Peter A. Price, 442 Sunrise Villa Drive, Las Vegas, Nevada 89110
Loan Number 1010349650**

Dear Pamela:

In regard to Peter Price's loan modification application, please find the following documents enclosed:

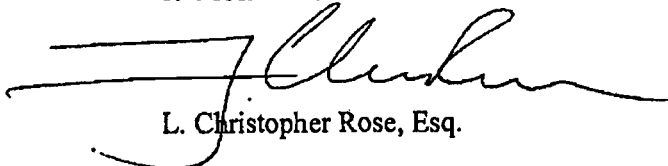
1. Harber Company payroll weekly earnings register, showing year to date payments for Peter Price.
2. Email from Craig Hardy, payroll administrator at Harmony Homes, stating Mr. Price's current start of employment date, his annual income, and attaching a spreadsheet showing amounts paid year to date from Harmony Homes.

I believe this satisfies the documentation requested. Please contact me should there be any further questions.

On a related matter, we assume that while the modification is processed that the foreclosure will remain on hold. Please let me know if IndyMac's understanding is different in any way.

Very truly yours,

JOLLEY URG WIRTH WOODBURY
& STANDISH



L. Christopher Rose, Esq.

LCR/km

K:\CLIENT FILES\TJS\Price, Peter 10713-28000\NEW - Correspondence\Drafts\12-05-30 LCR to Indymac Pamela re Price.wpd

Exhibit 1-G

2	Rejected
D	Missing

IndyMac Mortgage Services
a division of OneWest Bank FSB

Here's what we need.



You have items which have been rejected multiple times. It is important that you resubmit all documents as soon as possible in order to continue to be reviewed for a modification.

2 Rejected
1 Missing

- So that the review of your loan modification can continue, we have provided helpful guides to ensure all documents are submitted correctly. If you or another borrower on your loan received a "Missing" or "Rejected" status on the chart you must submit (or resubmit) these documents as soon as possible. Failure to do so in a timely manner could cause your request for modification to be denied.

The enclosed insert(s) outline how to submit or resubmit any "Rejected" or "Missing" documents.

Multiple Rejection



The following documents have been rejected more than once. Please review the attached list of "Rejected" items below for details on how to correctly resubmit this document. For additional information please review the enclosed list of Frequently Asked Questions or call 1.888.202.1375 to speak with a loan counselor.

02 Second Rejection (PETER A PRICE)

Paystubs: The paystubs you submitted were dated more than 90 days old. Please resubmit copies of your most recent paystubs.

Remember, all paystubs must:

- List all deductions (both state and federal).
- Include dates less than 90 days old.
- Show a full month of pay.
- If paid every other week or twice a month, submit two (2) most recent paystubs.
- If paid weekly, submit four (4) most recent paystubs.
- List an identification number such as a Social Security number (at least the last four (4) digits), employee ID or payroll number.
- List pay period dates on each paystub.
- List year-to-date (YTD) amounts on each paystub.
- If your paystubs do not have this information, you must request a Verification of Employment from your employer listing the year-to-date (YTD) amounts and submit it in addition to your paystubs.

Previous Rejection Reason: The paystubs you recently submitted did not include year-to-date (YTD) information. The paystubs you recently submitted did not include year-to-date (YTD) information.

Rejected

We were unable to process your modification with this document as it was submitted. Please review this list of "Rejected" items for details on how to correctly resubmit these documents.

01 Rejected (PETER A PRICE)

P&L Statement: We received the Profit and Loss (P&L) Statement you recently submitted. Unfortunately, this document has been rejected because there are two or more issues with it that prevent us from accepting the document. Please call us at 1.888.202.1375 as soon as possible so we may discuss the corrections needed.

Exhibit 1-H

Important information about your mortgage.

Please read the detailed information provided below.

Please provide all required information for your application by 7/25/2012.

2 Rejected

0 Missing

Peter A Price
442 Sunrise Villa Dr
Las Vegas, NV 89110

Loan Number: 1010349650
Reference Number: 1010349650A10491
MAT Instance Number: 2

July 10, 2012

Thank you for submitting a modification request. We are in the process of reviewing your loan for eligibility for a modification.

The chart below lists the documents required for a loan modification and the status of each document by borrower. An explanation below the chart will help you to understand each status category.

You can use the number in the chart, next to each missing or rejected document, to find instructions on how to submit or resubmit the document in the enclosed "Here's what we need." pages.

Document	PETER A PRICE
1. Photo ID	✓
2. Proof of Income	✓
3. Proof of Assets	01 Rejected
4. Proof of Liabilities	02 Rejected
5. Proof of Mortgage Payments	✓
6. Proof of Homeownership	✓

Not Applicable (-): At this time we don't require this document for review. If it is determined that we need to review this document for your modification application we will send you a follow up letter with this document marked as "Missing."

Accepted ✓: We have reviewed this document and it is accepted. You do not need to take any action for this item.

Pending: This document has been submitted and is currently in review. If we are not able to accept the document as-is, you will receive another letter with this item listed as "Rejected."

Rejected: We were unable to process your modification with this document as it was submitted. Please review the attached list of "Rejected" and "Missing" items for details on how to correctly resubmit this document.

Missing: We have not received this item which is required to review your loan for a modification. Please review the attached list of "Rejected" and "Missing" items for details on how to correctly submit this document.

If you have any questions, contact your loan counselor Tonya Morales at 1.888.202.9416 or Tonya.Morales.Team2@owb.com.

Exhibit 1-I

**JOLLEY URG A WIRTH
WOODBURY & STANDISH
ATTORNEYS AT LAW**

R. GARDNER JOLLEY
WILLIAM R. URG A
BRUCE L. WOODBURY
THOMAS J. STANDISH
BRIAN E. HOLTHUS
MARTIN A. LITTLE
L. CHRISTOPHER ROSE
DAVID J. MALLEY

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E-MAIL: mail@juwv.com

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SUITE 105
BOULDER CITY, NEVADA
89005
(702) 293-3674

BILL SPOHRER, SPHR
DIRECTOR OF ADMINISTRATION

OF COUNSEL
CHARLES T. COOK
ROGER A. WIRTH

June 13, 2012

Via Facsimile:
Direct Fax: (866) 481-9196
(866) 435-7643

Chris Lawrence
Representative Number 49B
IndyMac Mortgage Services

**Re: Peter A. Price, 442 Sunrise Villa Drive, Las Vegas, Nevada 89110
Loan Number 1010349650**

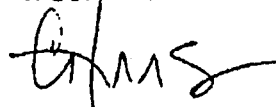
Dear Chris:

Enclosed please find pay stubs for Peter Price for periods ending July 15, 2012, June 30, 2012, May 31, 2012 and April 30, 2012. As I mentioned, we are working on obtaining the letter that was requested from a CPA (which is to address the profit and loss statement issue about which Mr. Price received a letter). I understand from our discussion today that the foreclosure is still on hold.

Thank you for your continuing assistance.

Very truly yours,

JOLLEY URG A WIRTH WOODBURY
& STANDISH



L. Christopher Rose, Esq.

LCR/km
Enclosures

Exhibit 1-J

**JOLLEY URG A WIRTH
WOODBURY & STANDISH
ATTORNEYS AT LAW**

R. GARDNER JOLLEY
WILLIAM R. URG A
BRUCE L. WOODBURY
THOMAS J. STANDISH
BRIAN E. HOLTHUS
MARTIN A. LITTLE
L. CHRISTOPHER ROSE
DAVID J. MALLEY

JENNIFER POYNTER-WILLIS
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SIXTEENTH FLOOR
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LAS VEGAS, NEVADA 89169
TELEPHONE (702) 699-7500
FACSIMILE (702) 699-7555

www.juwv.com
E-MAIL: mail@juwv.com

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89005
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BILL SPOHRER, SPHR
DIRECTOR OF ADMINISTRATION

OF COUNSEL
CHARLES T. COOK
ROGER A. WIRTH

July 25, 2012

Via Facsimile:
Direct Fax: (866) 481-9196
(866) 435-7643

Chris Lawrence
Representative Number 49B
IndyMac Mortgage Services

**Re: *Peter A. Price, 442 Sunrise Villa Drive, Las Vegas, Nevada 89110
Loan Number 1010349650***

Dear Chris:

In response to the letter that Mr. Price received, enclosed please find a letter from David B. Mathews, CPA with Stewart Archibald & Barney, LLP, confirming that Spirit Underground, LLC ceased operations on December 31, 2011.

Thank you for your continuing assistance.

Very truly yours,

JOLLEY URG A WIRTH WOODBURY
& STANDISH



L. Christopher Rose, Esq.

LCR/km
Enclosures

Exhibit 1-K

Important information about your mortgage.

Please read the detailed information provided below.

Please provide all required information for your application by 8/15/2012.

1 Rejected

0 Missing

Peter A Price
442 Sunrise Villa Dr
Las Vegas, NV 89110

Loan Number: 1010349650
Reference Number: 1010349650A10601
MAT Instance Number: 2

July 26, 2012

Thank you for submitting a modification request. We are in the process of reviewing your loan for eligibility for a modification.

The chart below lists the documents required for a loan modification and the status of each document by borrower. An explanation below the chart will help you to understand each status category.

You can use the number in the chart, next to each missing or rejected document, to find instructions on how to submit or resubmit the document in the enclosed "Here's what we need:" pages.

Document	PETER A PRICE
92-1P	✓
92-1P	✓
92-1P	01 Rejected
92-1P	✓
92-1P	✓
92-1P	✓

Not Applicable (-): At this time we don't require this document for review. If it is determined that we need to review this document for your modification application we will send you a follow up letter with this document marked as "Missing."

Accepted ✓: We have reviewed this document and it is accepted. You do not need to take any action for this item.

Pending: This document has been submitted and is currently in review. If we are not able to accept the document as-is, you will receive another letter with this item listed as "Rejected."

Rejected: We were unable to process your modification with this document as it was submitted. Please review the attached list of "Rejected" and "Missing" items for details on how to correctly resubmit this document.

Missing: We have not received this item which is required to review your loan for a modification. Please review the attached list of "Rejected" and "Missing" items for details on how to correctly submit this document.

If you have any questions, contact your loan counselor Patricia Sanders at 1.888.202.9416 or PatriciaSanders.Team3@owb.com.

1806/2 2000017600 12/5]

Here's what we need.

Please submit the rejected and missing documents.

Please provide all required information for your application by 8/15/2012.

1	Rejected
0	Missing

So that the review of your loan modification can continue, we have provided helpful guides to ensure all documents are submitted correctly. If you or another borrower on your loan received a "Missing" or "Rejected" status on the chart you must submit (or resubmit) these documents as soon as possible. Failure to do so in a timely manner could cause your request for modification to be denied.

The enclosed insert(s) outline how to submit or resubmit any "Rejected" or "Missing" documents.

Rejected

We were unable to process your modification with this document as it was submitted. Please review this list of "Rejected" items for details on how to correctly resubmit these documents.

01 Rejected (PETER A PRICE)

P&L Statement: We received the Profit and Loss (P&L) Statement you recently submitted. Unfortunately, this document has been rejected because there are two or more issues with it that prevent us from accepting the document. Please call us at 1.888.202.9416 as soon as possible so we may discuss the corrections needed.

1806/3 2000017601 13/51

Exhibit 1-L

Important information about your mortgage.

Please read the detailed information provided below.

Please provide all required information for your application by 9/24/2012.

1 Rejected
0 Missing

Peter A Price
442 Sunrise Villa Dr
Las Vegas, NV 89110

September 4, 2012

Loan Number: 1010349650
Reference Number: 1010349650A10750
MAT Instance Number: 2
Visit our website at www.indymacmortgageservices.com

Thank you for submitting a modification request. We are in the process of reviewing your loan for eligibility for a modification.

The chart below lists the documents required for a loan modification and the status of each document by borrower. An explanation below the chart will help you to understand each status category.

You can use the number in the chart, next to each missing or rejected document, to find instructions on how to submit or resubmit the document in the enclosed "Here's what we need." pages.

Document	PETER A PRICE
1. Pay Stubs	✓
2. Bank Statements	✓
3. Tax Returns	✓
4. Proof of Insurance	✓
5. Proof of Income	✓
6. Proof of Assets	✓
7. Proof of Liabilities	01 Rejected
8. Proof of Residence	✓

2012/2 2000016363 (2/4)

Not Applicable (-): At this time we don't require this document for review. If it is determined that we need to review this document for your modification application we will send you a follow up letter with this document marked as "Missing."

Accepted ✓: We have reviewed this document and it is accepted. You do not need to take any action for this item.

Pending: This document has been submitted and is currently in review. If we are not able to accept the document as-is, you will receive another letter with this item listed as "Rejected."

Rejected: We were unable to process your modification with this document as it was submitted. Please review the attached list of "Rejected" and "Missing" items for details on how to correctly resubmit this document.

Missing: We have not received this item which is required to review your loan for a modification. Please review the attached list of "Rejected" and "Missing" items for details on how to correctly submit this document.

If you have any questions, contact your loan counselor Patricia Sanders at 1.866.682.7716 or PatriciaSanders.Team3@owb.com.

IndyMac Mortgage Services
a division of OneWest Bank, FSB

Here's what we need.

Please submit the rejected and missing documents.



You have items which have been rejected multiple times. It is important that you resubmit all documents as soon as possible in order to continue to be reviewed for a modification.



Rejected



Missing

So that the review of your loan modification can continue, we have provided helpful guides to ensure all documents are submitted correctly. If you or another borrower on your loan received a "Missing" or "Rejected" status on the chart you must submit (or resubmit) these documents as soon as possible. Failure to do so in a timely manner could cause your request for modification to be denied.

Multiple Rejection



The following documents have been rejected more than once. Please review the attached list of "Rejected" items below for details on how to correctly resubmit this document. For additional information please review the enclosed list of Frequently Asked Questions or call 1.866.682.7716 to speak with a loan counselor.

01

Second Rejection (PETER A PRICE)

Tax Returns: The tax return you submitted was rejected because it was not for the most current filing year. Please submit your tax return documentation from the most recent filing year.

Remember, a copy of your most recent filed Federal Tax Return must be signed by all persons listed on the return with all pages and schedules included. If a tax return was filed electronically, you must provide an 8829 IRS Form and/or confirmation that the tax return was filed. If an extension has been filed for the past year's tax return, an active IRS Extension Form (expired extension forms are not acceptable) and a copy of the previous year's signed and filed tax return with all pages and schedules included must be submitted.

Previous Rejection Reason: Was not for the most current filing year.
Was not for the most current filing year.

2070/3 200016366 (3/4)

Here's what we need.

Please submit the rejected and missing documents.



You have items which have been rejected multiple times. It is important that you resubmit all documents as soon as possible in order to continue to be reviewed for a modification.

1 Rejected
0 Missing

So that the review of your loan modification can continue, we have provided helpful guides to ensure all documents are submitted correctly. If you or another borrower on your loan received a "Missing" or "Rejected" status on the chart you must submit (or resubmit) these documents as soon as possible. Failure to do so in a timely manner could cause your request for modification to be denied.

Multiple Rejection



The following documents have been rejected more than once. Please review the attached list of "Rejected" items below for details on how to correctly resubmit this document. For additional information please review the enclosed list of Frequently Asked Questions or call 1.866.682.7716 to speak with a loan counselor.

01 Second Rejection (PETER A PRICE)

Tax Returns: The tax return you submitted was rejected because it was not for the most current filing year. Please submit your tax return documentation from the most recent filing year.

Remember, a copy of your most recent filed Federal Tax Return must be signed by all persons listed on the return with all pages and schedules included. If a tax return was filed electronically, you must provide an 8829 IRS Form and/or confirmation that the tax return was filed. If an extension has been filed for the past year's tax return, an active IRS Extension Form (expired extension forms are not acceptable) and a copy of the previous year's signed and filed tax return with all pages and schedules included must be submitted.

Previous Rejection Reason: Was not for the most current filing year.
Was not for the most current filing year.

2070/3 2000016364 (3/4)

Exhibit 1-M

**JOLLEY URG A WIRTH
WOODBURY & STANDISH
ATTORNEYS AT LAW**

R. GARDNER JOLLEY
WILLIAM R. URG A
BRUCE L. WOODBURY
THOMAS J. STANDISH
BRIAN E. HOLTHUS
MARTIN A. LITTLE
L. CHRISTOPHER ROSE
DAVID J. MALLEY

JENNIFER POYNTER-WILLIS
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FACSIMILE (702) 699-7555

www.juwv.com
E-MAIL: mail@juwv.com

BOULDER CITY OFFICE
1000 NEVADA WAY
SUITE 105
BOULDER CITY, NEVADA
89005
(702) 293-3674

BILL SPOHRER, SPHR
DIRECTOR OF ADMINISTRATION

OF COUNSEL
CHARLES T. COOK
ROGER A. WIRTH

September 25, 2012

Via Facsimile:
Direct Fax: (866) 481-9196
(866) 435-7643

Chris Lawrence
Representative Number 49B
IndyMac Mortgage Services

**Re: Peter A. Price, 442 Sunrise Villa Drive, Las Vegas, Nevada 89110
Loan Number 1010349650**

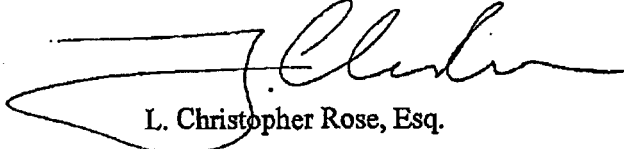
Dear Chris:

In response to the letter that Mr. Price received, enclosed please find the 2011 Tax Return for Peter A. Price.

Thank you for your continuing assistance.

Very truly yours,

JOLLEY URG A WIRTH WOODBURY
& STANDISH



L. Christopher Rose, Esq.

LCR/km
Enclosures

Exhibit 1-N

Important information about your mortgage.

Please read the detailed information provided below.

Please contact us at
1.866.203.9323 if you
have any questions.

DD0824A 7000000150 DL0002.G1T2 380/1
[Barcode]



Peter A Price
442 Sunrise Villa Dr
Las Vegas, NV 89110-4042

Loan Number: 1010349650
Reference Number: 1010349650Y10991
MAT Instance Number: 2

September 25, 2012

Dear Peter A Price,

Thank you for your request to modify your mortgage loan serviced by IndyMac Mortgage Services, a division of OneWest Bank[®], FSB.

We are unable to complete the review of your loan because the following document(s) were not received by the date they were due or we were not able to use them in the review of your application. As a result you are no longer being considered for a modification at this time.

Rejected Documents: The documents below were rejected for one or more reasons.

- Tax Returns

We would like to work with you to find other alternatives to foreclosure. To learn more, call us at 1.866.203.9323 to speak with a loan counselor about solutions such as a short sale or a deed-in-lieu of foreclosure. A short sale allows homeowners to sell their home at a fair market value even if it is less than the total amount they owe. A deed-in-lieu of foreclosure allows a homeowner to settle their mortgage debt by transferring ownership of the home to the lender.

As the servicer of your loan, IndyMac Mortgage Services will continue to service your loan in accordance with the terms of your existing Note. Late mortgage payments may be reported to the credit bureaus. Failure to make payments as currently scheduled will affect your credit rating and may result in foreclosure.

If you have questions regarding any of the information included in this letter, please do not hesitate to call us at 1.866.203.9323. We also strongly encourage you to consult a HUD-approved housing counselor to discuss potential alternatives for reducing expenses not related to your primary mortgage at 1.800.669.4287. If you need assistance understanding this notice, you can call 1.888.995.HOPE and ask for MHA help at no charge.

Sincerely,

IndyMac Mortgage Services, a division of OneWest Bank[®], FSB

Call Toll Free
Monday - Friday, 8 a.m. - 9 p.m. (EST)
Saturday, 9 a.m. - 6 p.m. (EST)



10991

This is a communication from a debt collector attempting to collect a debt. Any information obtained will be used for that purpose. However, if you have filed a bankruptcy petition and there is either an "automatic stay" in effect in your bankruptcy case, or your debt has been discharged pursuant to the bankruptcy laws of the United States, this communication is intended solely for informational purposes.

© 2012 IndyMac Mortgage Services, a division of OneWest Bank, FSB. Registered trade/service marks are the property of OneWest Bank, FSB and/or its subsidiaries.
SVC_MDDEN_007_08212012

See Reverse Side for Important Information

If you participate in a short sale program, and if your short sale is approved and finalized, then IndyMac Mortgage Services will follow standard industry practice and report to the major and independent credit reporting agencies that your mortgage was settled for less than the full balance owed. We have no control over the impact of this report on your credit score and are not responsible for any negative consequences as a result of such reporting. To learn more about the potential impact of a short sale on your credit, you may want to go to <http://www.ftc.gov/bcp/edu/pubs/consumer/credit/cre24.shim>.

You have 30 calendar days from the date of this notice to contact IndyMac Mortgage Services to discuss the reason for non-approval for a HAMP modification or to discuss alternative loss mitigation options that may be available to you. Your loan may be referred to foreclosure during this time, or any pending foreclosure action may continue. However, no foreclosure sale will be conducted and you will not lose your home during this 30-day period.

Beware of Foreclosure Rescue Scams. Help is free!

- There is never a fee to get assistance or information about foreclosure alternative programs from your lender or a HUD-approved housing counselor.
 - For a HUD-approved counselor, visit: <http://www.hud.gov/offices/hsg/sfh/hcc/ftc/>, or call the toll-free housing counseling telephone referral service at 1.800.568.4287.
- Beware of any person or organization that asks you to pay a fee in exchange for housing counseling services or modification of a delinquent loan.
- Beware of anyone who says they can "save" your home if you sign or transfer over the deed to your house. Do not sign over the deed to your property to any organization or individual unless you are working directly with your mortgage company to forgive your debt.
- Never make your mortgage payments to anyone other than your mortgage company without their approval.

Exhibit 1-O

Recording requested by:
SERVICELINK, A DIVISION OF CHICAGO
TITLE INSURANCE COMPANY

When Recorded Mail To:
BARRETT DAFFIN FRAPPIER
TREDER & WEISS, LLP
15000 Surveyor Boulevard, Suite 500
Addison, Texas 75001-9013

APN #: 140-34-612-026
Property Address:
442 SUNRISE VILLA DRIVE
LAS VEGAS, NEVADA 89110



NTSP20110159901357

Space above this line for Recorder's use only

Trustee Sale No.: 20110159901357

Title Order No.: 912013

FHA/VA/PMI No.:

NOTICE OF TRUSTEE'S SALE

YOU ARE IN DEFAULT UNDER A DEED OF TRUST, DATED 08/08/2007. UNLESS YOU TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC SALE. IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDING AGAINST YOU, YOU SHOULD CONTACT A LAWYER.

BARRETT DAFFIN FRAPPIER TREDER & WEISS, LLP, as duly appointed Trustee under and pursuant to Deed of Trust Recorded on 08/20/2007 as Instrument No. 20070820-0001649 of official records in the office of the County Recorder of CLARK County, State of NEVADA.

EXECUTED BY: PETER A. PRICE AND GAYLE T. PRICE,

WILL SELL AT PUBLIC AUCTION TO HIGHEST BIDDER FOR CASH, (payable at time of sale in lawful money of the United States, by cashier's check drawn by a state or national bank, check drawn by state or federal credit union, or a check drawn by a state or federal savings and loan association, or savings bank.

DATE OF SALE: 11/06/2012 TIME OF SALE: 10:00 AM

PLACE OF SALE: THE FRONT ENTRANCE TO THE NEVADA LEGAL NEWS LOCATED AT 930 SO. FOURTH STREET, LAS VEGAS, NV 89101.

STREET ADDRESS and other common designation, if any, of the real property described above is purported to be:

442 SUNRISE VILLA DRIVE, LAS VEGAS, NEVADA 89110

PARCEL 1:

LOT 26 IN BLOCK 3 OF THE ESTATES AT SUNRISE MOUNTAIN, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 81 OF PLATS, PAGE 81, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA. AND BY CERTIFICATES OF AMENDMENT RECORDED NOVEMBER 20, 1997 IN

Trustee Sale No.:20110159901357

Title Order No.:912013

FHA/VA/PMI No.:

BOOK 971120 AS DOCUMENT NO. 01161 OFFICIAL RECORDS.

PARCEL II:

AN EASEMENT FOR INGRESS AND EGRESS, PUBLIC UTILITIES AND INCIDENTAL PURPOSES OVER THOSE AREAS DELINEATED AS PRIVATE STREETS AND PUE ON SAID MAP MENTIONED IN PARCEL I HEREINAbove.

EXCEPTING THEREFROM THAT PORTION OF THE PRIVATE DRIVE LYING WITHIN SAID LAND.

The undersigned Trustee disclaims any liability for any incorrectness of the street address and other common designation, if any, shown herein. The property heretofore described is being sold "as is", the lender is unable to validate the condition, defects or disclosure issues of said property and buyer waves the disclosure requirements under NRS 113.130 by purchasing at the sale and signing said receipt. Said sale will be made, but without covenant or warranty, express or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the note(s) secured by said Deed of Trust, with interest thereon, as provided in said note(s), advances, under the terms of said Deed of Trust, fees, charges and expenses of the Trustee and of the trusts created by said Deed of Trust. The total amount of the unpaid balance of the obligation secured by the property to be sold and reasonable estimated costs, expenses and advances at the time of the initial publication of the Notice of Sale is \$696,199.15. Accrued interest and additional advances, if any, will increase this figure prior to sale. The beneficiary under said Deed of Trust heretofore executed and delivered to the undersigned a written Declaration of Breach and Demand for Sale, and a written Notice of Breach and Election to Sell. The undersigned caused said Notice of Breach and Election to Sell to be recorded in the county where the real property is located.

If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse.

FOR TRUSTEE SALE INFORMATION PLEASE CALL:

PRIORITY POSTING & PUBLISHING, INC.
17501 IRVINE BLVD., SUITE ONE
TUSTIN, CA 92780
714-573-1965
www.priorityposting.com

BARRETT DAFFIN FRAPPIER TREDER & WEISS, LLP as Trustee

Dated: 10/11/2012

Exhibit 1-P

**JOLLEY URG A WIRTH
WOODBURY & STANDISH
ATTORNEYS AT LAW**

R. GARDNER JOLLEY
WILLIAM R. URG A
BRUCE L. WOODBURY
THOMAS J. STANDISH
BRIAN E. HOLTHUS
MARTIN A. LITTLE
L. CHRISTOPHER ROSE
DAVID J. MALLEY

JENNIFER POYNTER-WELLES
ALEXANDER VILLAMAR
MELISSA L. WAITE
HOLLY A. FIC
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MICHAEL R. ERNST
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FACSIMILE (702) 699-7555

www.juwv.com
E-MAIL: mail@juwv.com

BOULDER CITY OFFICE
1000 NEVADA WAY
SUITE 105
BOULDER CITY, NEVADA
89005
(702) 293-9574

BILL SPOHRER, SPHR
DIRECTOR OF ADMINISTRATION

OF COUNSEL
CHARLES T. COOK
ROGER A. WIRTH

October 12, 2012

Via Facsimile:
Direct Fax: (866) 481-9196
(866) 435-7643

IndyMac Mortgage Services
2900 Esperanza Crossing
IndyMac-4
Austin, TX 78758

**Re: Peter A. Price, 442 Sunrise Villa Drive, Las Vegas, Nevada 89110
Loan Number 1010349650**

Dear IndyMac:

This letter is to address the September 25, 2012 letter regarding IndyMac's rejection of the modification on the premise that tax returns were rejected. As IndyMac has known all along, Mr. Price obtained an extension to file his tax returns (see my letter dated June 13, 2012). Forms 4868 and 7004 were provided to IndyMac previously. On September 25, 2012, Mr. Price, through our office and my letter dated September 25, 2012, provided his 2011 tax returns. A Form 8879 was included with those tax returns, but I have included with this letter an additional Form 8879 with all signatures. After the long and arduous process Mr. Price has gone through at IndyMac's request, I do not believe it is appropriate for IndyMac to reject the tax return at this late stage, and we request that IndyMac review the tax returns again. In fact, it appears that IndyMac's September 25, 2012 letter rejecting tax returns crossed in the mail with my last letter of September 25, 2012.

...

...

...

...

...

October 11, 2012

Page 2

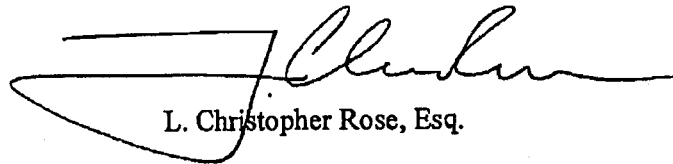
IndyMac Mortgage Services

Most concerning is that in my recent discussion with IndyMac, I was informed that Mr. Price's modification application expired 90 days after it was submitted. Given that the application was submitted near the beginning of this year, the claim at this late date that the application expired is not reasonable nor in good faith. None of the letters from IndyMac to date provide any indication that the modification application had expired 90 days after it was submitted. Quite the contrary, all correspondence stated that the application was still pending and IndyMac made continual requests for additional information. To date, IndyMac's actions have created the unmistakable impression that Mr. Price's modification application was pending and being considered (thus, the multiple requests from IndyMac for additional documents and information). The purpose of this letter is to advise you of the foregoing and to respectfully request that Mr. Price's application be considered and granted. If the electronically filed tax returns pursuant to Form 8879 are still not sufficient, please advise.

Thank you for your consideration.

Very truly yours,

JOLLEY URGAL WIRTH WOODBURY
& STANDISH



L. Christopher Rose, Esq.

LCR/km
Enclosures

Exhibit "D"

Jolley Urga Wirth Woodbury & Standish
 3800 HOWARD HUGHES PARKWAY, SUITE 1600, LAS VEGAS, NV 89169
 TELEPHONE: (702) 699-7500 FAX: (702) 699-7555

1. **TRO**

2. **L. CHRISTOPHER ROSE, ESQ.**

Nevada Bar No. 7500

3. **ALEXANDER VILLAMAR, ESQ.**

Nevada Bar No. 9927

4. **JOLLEY URG A WIRTH WOODBURY & STANDISH**

3800 Howard Hughes Parkway, 16th Floor

5. Las Vegas, Nevada 89169

Phone: (702) 699-7500

6. Fax: (702) 699-7555

Email: lcr@juwww.com

7. Email: av@juwww.com

Attorneys for Plaintiff Peter A. Price

8. **DISTRICT COURT**

9. **CLARK COUNTY, NEVADA**

10. **PETER A. PRICE,**

11. **Plaintiff,**

12. **vs.**

13. **ONEWEST BANK GROUP, LLC, dba**
 14. **INDYMAC MORTGAGE SERVICES, a**
 15. **foreign limited liability company; BARRETT**
 16. **DAFFIN FRAPPIER TREDER & WEISS,**
 17. **LLP, a foreign limited liability partnership;**
 18. **DOE Individuals I through X; and ROE**
 19. **Corporations XI through XX,**

20. **Defendants.**

CASE NO.: 12-A-671218-C

DEPT. NO.: XXVI

TEMPORARY RESTRAINING ORDER

21. Upon the Application of Plaintiff Peter A. Price ("Plaintiff") through his attorneys, Jolley
 22. Urga Wirth Woodbury & Standish, and it appearing to the Court for the reasons set forth in
 23. Plaintiff's Application for Temporary Restraining Order and Motion for Preliminary Injunction
 24. on Order Shortening Time, the Declaration of Alexander Villamar, Esq. and the other evidence
 25. and authorities contained in Plaintiff's Application for Temporary Restraining Order and Motion
 26. for Preliminary Injunction on Order Shortening Time, that Defendants are committing acts or are
 27. about to commit acts that are causing and will cause immediate and irreparable injury to
 28. Plaintiff, including foreclosing on Plaintiff's home and divesting him of title, and finding that
 immediate and irreparable injury or damage will result to Plaintiff unless a temporary restraining
 order is issued until such time as this Court hears Plaintiff's Motion for Preliminary Injunction,

Date Served: 11/5/12
 Time Served 9:15
 K:\LCR\Price, Peter 10713\IndyMac 26000\Pleadings\Drafts\TRO.doc

Jolley Urga Wirth Woodbury & Standish
 3800 HOWARD HUGHES PARKWAY, SUITE 1600, LAS VEGAS, NV 89169
 TELEPHONE: (702) 699-7500 FAX: (702) 699-7555

1 and good cause appearing and there being no just reason for delay,

2 IT IS HEREBY ORDERED that Plaintiff's Application for Temporary Restraining Order
 3 be and hereby is granted;

4 IT IS FURTHER ORDERED that Defendants, and any person or entity acting on behalf
 5 of or in concert with Defendants, directly or indirectly, who receives actual notice of this order,
 6 are hereby enjoined and restrained from proceeding with the Trustee's Sale currently scheduled
 7 for November 6, 2012, at 10am.

8 IT IS FURTHER ORDERED that Defendants, and any person or entity acting on behalf
 9 of or in concert with Defendants, directly or indirectly, who receives actual notice of this order,
 10 are hereby enjoined and restrained from proceeding with a Trustee's Sale until otherwise ordered
 11 by the Court.

12 IT IS FURTHER ORDERED that this Temporary Restraining Order shall be effective
 13 immediately upon the posting of a bond or security in the amount of \$ 500,000 for the
 14 payment of such costs or damages of a party improperly enjoined or restrained;

15 IT IS FURTHER ORDERED that the hearing of Plaintiff's Motion for Preliminary
 16 Injunction shall take place on the 9th day of November 2012 at 9:00 AM of the day in
 17 Department DC.

18 Dates this 2nd day of November, 2012.


 District Court Judge

20 Submitted by:

21 JOLLEY URG WIRTH WOODBURY & STANDISH

22 By: 
 23 L. CHRISTOPHER ROSE, ESQ.

Nevada Bar No. 7500

24 ALEXANDER VILLAMAR, ESQ.

Nevada Bar No. 9927

25 3800 Howard Hughes Parkway, 16th Floor

Las Vegas, Nevada 89169

26 Phone: (702) 699-7500

Fax: (702) 699-7555

27 Email: lcr@juww.com

Email: av@juww.com

28 Attorneys for Plaintiff Peter A. Price

Exhibit "E"

Jolley Urga Wirth Woodbury & Standish
 3800 HOWARD HUGHES PARKWAY, SUITE 1600, LAS VEGAS, NV 89169
 TELEPHONE: (702) 699-7500 FAX: (702) 699-7555

NOTC
L. CHRISTOPHER ROSE, ESQ.
 Nevada Bar No. 7500
ALEXANDER VILLAMAR, ESQ.
 Nevada Bar No. 9927
JOLLEY URG WIRTH WOODBURY & STANDISH
 3800 Howard Hughes Parkway, 16th Floor
 Las Vegas, Nevada 89169
 Phone: (702) 699-7500
 Fax: (702) 699-7555
 Email: lcr@juww.com
 Email: av@juww.com
 Attorneys for Plaintiff Peter A. Price

DISTRICT COURT

CLARK COUNTY, NEVADA

PETER A. PRICE,

Plaintiff,

vs.

ONEWEST BANK GROUP, LLC, dba
INDYMAC MORTGAGE SERVICES, a
foreign limited liability company; BARRETT
DAFFIN FRAPPIER TREDER & WEISS,
LLP, a foreign limited liability partnership;
DOE Individuals I through X; and ROE
Corporations XI through XX,

Defendants.

CASE NO.: 12-A-671218-C
DEPT. NO.: XXVI

NOTICE OF POSTING BOND

1 NOTICE IS HEREBY GIVEN that on the 2nd day of November, 2012, PETER A. PRICE
2 posted a cash bond in the amount of \$500 in connection with the Temporary Restraining Order
3 filed November 2, 2012.

4 Dated this 2 day of November, 2012.

5
6 Submitted by:

7 JOLLEY URGa WIRTH WOODBURY & STANDISH

8 By: 

9 L. CHRISTOPHER ROSE, ESQ.

10 Nevada Bar No. 7500

11 ALEXANDER VILLAMAR, ESQ.

12 Nevada Bar No. 9927

13 3800 Howard Hughes Parkway, 16th Floor

14 Las Vegas, Nevada 89169

15 Phone: (702) 699-7500

16 Fax: (702) 699-7555

17 Email: lcr@juwww.com

18 Email: av@juwww.com

19 Attorneys for Plaintiff Peter A. Price
20
21
22
23
24
25
26
27
28

Jolley Urga Wirth Woodbury & Standish
3800 HOWARD HUGHES PARKWAY, SUITE 1600, LAS VEGAS, NV 89169
TELEPHONE: (702) 699-7500 FAX: (702) 699-7555

CERTIFICATE OF SERVICE BY MAIL AND FACSIMILE TRANSMISSION

I hereby certify that I am employed in the County of Clark, State of Nevada, am over the age of 18 years and not a party to this action. My business address is that of Jolley Urga Wirth Woodbury & Standish, 3800 Howard Hughes Parkway, Suite 1600, Las Vegas, Nevada 89169.

On the 2nd day of November, 2012, I served the foregoing **NOTICE OF POSTING BOND** on the parties in said action or proceeding by placing a true copy thereof enclosed in a sealed envelope, addressed as follows:

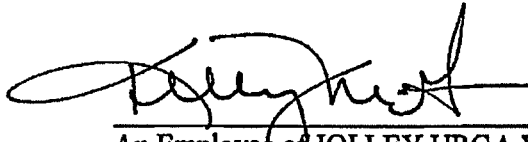
Onewest Bank Group, LLC
c/o Corporation Service Company
2711 Centerville Road, Suite 400
Wilmington, DE 19808

Barrett Daffin Frappier Treder & Weiss, LLP
c/o The Corporation Trust Company of Nevada
311 S. Division Street
Carson City, Nevada 89703

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it is deposited with the U. S. Postal Service on the same day it is placed in the mail bin, with postage thereon fully prepaid at Las Vegas, Nevada, in the ordinary course of business.

I also served the above document via facsimile to the parties listed above, at their facsimile numbers listed above. A copy of the transmit confirmation report is attached hereto.

I certify under penalty of perjury that the foregoing is true and correct, and that this Certificate of Service was executed by me on the 2nd day of November, 2012, at Las Vegas, Nevada.



An Employee of JOLLEY URG WIRTH
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